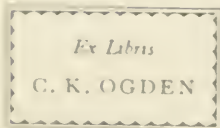


Anecdotes  
of  
Bench  
and  
Bar



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ANECDOTES  
OF BENCH AND BAR

BY THE RT. HON.  
G. W. E. RUSSELL, P.C.

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# ANECDOTES OF BENCH AND BAR

COLLECTED AND ARRANGED

BY

ARTHUR H. ENGELBACH

WITH AN INTRODUCTION

BY

THE RT. HON. F. E. SMITH

P.C., K.C., M.P.



LONDON  
GRANT RICHARDS LTD.  
PUBLISHERS

PH 10268  
L1255

“Judge, but not merely a Judge . . . the friend of his  
friends and the Muses—  
Friend of humanity too.”

*On the Oxford Circuit.*

TO  
SIR CHARLES JOHN DARLING

WISE AND HUMANE JUDGE AND CON-  
STRUCTIVE AND PENETRATING WIT  
WHOSE *SCINTILLÆ JURIS* NOT ONLY  
ARE THE DELIGHT OF HIS CON-  
TEMPORARIES BUT MUST EN-  
GAGE THE ATTENTION OF  
ALL FUTURE COMPILERS  
OF SUCH BOOKS  
AS THIS





## INTRODUCTION

I HAVE been asked, and have gladly agreed, to write an introduction to the present volume of anecdotes relating to the Bench and the Bar. Many of the stories are new, and some at least of them are excellent. To lawyers they will recall many pleasant conversations at those circuit messes which are now almost the sole surviving centres of the social life of the Bar. The criticism may perhaps be made that many of these anecdotes appear more irresistibly funny amid the port and the walnuts than they do when read in cold print. But too severe a standard must not be exacted of those who minister to our amusement ; and Mr Engelbach, who has so skillfully collected these anecdotes, has, I think, laid us all under an obligation. Many sarcasms have been directed at both the Bench and the Bar. Their humour, we are told, is mechanical and sterile. Sometimes we are assured (and not always without reason) that such appreciation as it receives is servile. The wit of lawyers, it is said, is very small beer. No one would deny that some measure of truth underlies these criticisms. Many of the proceedings in courts of justice are so tedious that there arises a great

temptation to alleviate them by humour even if one has nothing particularly amusing to say. Thus we sometimes attempt humour, claiming no particular gifts in that field, simply because even a poor joke is a welcome alternative to the stagnant dullness of so many litigious proceedings.

The relationship subsisting between Bench and Bar in England is both curious and interesting. It does not exist, so far as I am aware, in any country whose jurisprudence is of Latin origin. Our judges are not a class apart. They do not undergo from youth a specialised preparation for judicial duties. They develop into judges if Fortune favours them, and if they are very successful practitioners at the Bar. It follows from this circumstance that there always exists a genuine comradeship between the judge and the advocate. The judge was perhaps quite recently an advocate himself. The advocate, however inexperienced, is perhaps sustained by the hope that somewhere stowed away in his knapsack he carries the baton of a marshal of France. The judge therefore, if normal, is anxious to assist the advocate ; while the advocate on his part desires to co-operate with the judge in the dignified prosecution, consistently with precedent, of the high cause of Justice. The country is, I believe, and in the main justly, proud alike of its judges and its advocates. Our judges are almost all able, and they are all incorruptible. The best of our

advocates are eloquent, courageous and high principled.

The constant association, founded upon mutual respect, of two such classes has naturally produced many flashes of humour which are worthy of preservation. I am satisfied that no one who glances through these good-humoured pages will refuse an expression of gratitude to the gentleman who has made so discriminating a compilation.

F. E. SMITH.



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ANECDOTES  
OF BENCH AND BAR

4





## ANECDOTES OF BENCH AND BAR

IT is told of a popular solicitor that he called upon another brother of the profession, and asked his opinion upon a certain point of law. The lawyer to whom the question was addressed drew himself up and said : “ I generally get paid for what I know ! ” The questioner took half-a-crown from his pocket, handed it to the other and coolly remarked : “ Tell me all you know, and give me the change ! ”

DURING the time Mr Adkins—or Harry Adkins, as he was generally called—was governor of Warwick gaol, some alteration had to be made in the “ drop,” it being suggested there should be room for five. On its being put up for examination, Adkins observed it was hardly so large as he intended, at the same time expressing his doubts whether it could conveniently accommodate so many as five. Upon this the worthy carpenter, looking up at the machine, and surveying it with a business eye, exclaimed : “ Lor’, sir, it’s all right ; you may take my word for it, five could hang there werry comfortable.”

THE son-in-law of a Chancery barrister having succeeded to the lucrative practice of the latter, came one morning in breathless haste to inform him that he had succeeded in bringing nearly to its termination a cause which had been pending in the court for several years. Instead of obtaining the expected congratulations of the retired veteran of the law, his intelligence was received with indignation. "It was by this suit," exclaimed he, "that my father was enabled to provide for me, and to portion your wife, and with the exercise of common prudence it would have furnished you with the means of providing handsomely for your children and grandchildren."

A BOY was brought before a Glasgow magistrate charged with stealing a handkerchief from a gentleman's pocket. The indictment having been read, the bailie addressing the boy said: "I hae nae doot ye did the deed, for I had a handkerchief ta'en out o' my ain pouch this verra week, so you maun gang to the jail for sixty days." A friend of the boy's remarked that the case had not been proved against him. "Oh! then in that case," replied the worthy bailie, "I'll just gie ye thirty days." On being again informed that even this sentence was a strain upon the law, he finally disposed of the case by saying: "Weel, my lad, the evidence is a wee bit jimp this time, so I'll let ye aff; but see and no do't agin!"

MEDICAL men are not as a rule the best witnesses, being too fond of using technical words peculiar to them in their own profession. In an action for assault tried by a Derbyshire common jury before Mr Justice Patteson, a surgical witness was asked to describe the injuries the plaintiff had received; he stated he had "ecchymosis" of the left eye. Upon the judge inquiring whether that did not mean what was commonly understood by a black eye, the witness answered: "Yes." "Then why did you not say so, sir? What do the jury know of 'ecchymosis'?" They might think, as the farmer did of the word 'felicity,' used by a clergyman in his sermon, that it meant something in the inside of a pig."

MR JUSTICE MAULE was somewhat touchy in his temper, and was possessed of caustic wit. On one occasion Maule, before he was raised to the bench, was arguing a case before Mr Justice Taunton, who had been his former leader on circuit. Taunton was a shrewd, clever man, but at times very ill-natured, and chose to say unpleasant things. Maule had been rather *long-winded* in his address—one of his faults. On bringing his speech to a conclusion the learned judge exclaimed: "Mr Maule—Mr Maule—you have been arguing for the last half-hour, and like a child, like a child, Mr Maule." It might have been gathered from the merry twinkle in Maule's eyes that something good was coming in reply, and the hearers were not disappointed. "I am well content," quoth he, "to be likened to a

child, for a child, if spared, becomes in process of time a man ; but once a bear, my lord, always a brute." His lordship immediately called on the next case !

A YOUNG barrister was retained as an advocate in a case on which, not feeling himself sufficiently prepared to plead, he was very desirous of obtaining a postponement. As, however, the court had protracted its session beyond the usual period, in consequence of an unusual amount of business, and of course the jury were impatient to be relieved from attendance, he was well aware that it would be impossible to procure such a postponement unless he could allege some extraordinary cause. Fortunately—or unfortunately, as the result proved—he had a lively imagination, and had quickly formed a plan which he was sure would be successful. With his handkerchief to his eyes he addressed the court in great apparent emotion. " May it please the court, I have just heard of the dangerous illness of my venerable mother, who is lying at the point of death. Under such circumstances, much as I regret protracting an already lengthened session, I must request that this case be postponed. My feelings are so powerfully agitated that I should be unable to do justice to the case, feeling as I do that my proper place is at the bedside of my mother." The pathetic appeal was completely successful. A feeling of earnest sympathy pervaded all hearts, and the jurors, though anxious to return to their families, were not so hard of heart as to wish to have the busi-

ness of the court proceed at such a sacrifice of personal feelings. The judge, who was a tender-hearted man, had risen, and was about to grant the request of counsel, when the deep hush was broken by a shrill voice, which proceeded from a lady who was bending over the railing of the gallery. It was the mother of the eloquent counsel, who, so far from being at the point of death, came, without her son's knowledge, to hear him plead. "James, James!" she exclaimed, in a voice which could be distinctly heard all over the house. "James, James, how often have I chastised you for lying?"

A JUDGE and a counsel on one occasion had a warm discussion as to some point which the judge claimed to decide, in the following style. Said the judge: "I ruled so and so." "*You* ruled!" growled the Attorney-General. "*You* ruled! You were never fit to rule anything but a copy-book."

AT Worcester Assizes a case was tried about the soundness of a horse, in which a clergyman not well versed in sporting matters appeared as a witness. He was confused in giving his evidence, and a furious and blustering barrister, who examined him, was at last tempted to exclaim: "Pray, sir, do you know the difference between a horse and a cow?" "I acknowledge my ignorance," replied the clergyman; "I hardly know the difference between a horse and a cow, or a bully and a bull, only a bull, I am told, has horns, and a bully," bowing respectfully to the barrister, "luckily for me, has none."

A COUNSEL once getting up to one of Serjeant Prime's lengthy orations, which had made the jury very drowsy, began : " Gentlemen, after the long speech of the learned Serjeant——" " Sir, I beg your pardon," interrupted Mr Justice Nares ; " you might say, ' after the long soliloquy ' ; for my brother Prime has been talking an hour to himself."

A HIGHWAYMAN named Bolland, confined in Newgate, sent for a lawyer to know how he could defer his trial, and was answered : " By getting a doctor to make affidavit of your illness." This was accordingly done in the following manner :—" The deponent verily believes that if the said James Bolland is obliged to take his trial at the ensuing sessions, he will be in imminent danger of his life." To which the learned judge on the Bench answered that he verily believed so too. The trial was ordered to proceed immediately.

BARON CHANNELL was a great eater, and at one o'clock precisely, whatever the state of the case being tried before him, the court adjourned for lunch, and an excellent lunch it was. When the courts of assizes are at any distance from the judge's lodgings, the judge's cook, who travels round circuit with them, usually asks the judges before starting for court in the sheriff's carriage in the morning what he shall send them down for lunch. Baron Channell and Mr Justice Bramwell were descending the stairs, side by side, when the cook made the usual inquiry. " Oh !" said Channell, who was senior judge, in



the short clipping words and style peculiar to him, "send me my lunch at one punctually, mind. I'll have—let me see—I'll have a basin of clear mock-turtle, and a chicken, and some peas and potatoes, and an apple tart, and some sherry and seltzer ; at one, mind ; not later." "Yes, my lord," replied the cook, and turning to Mr Justice Bramwell : "What shall I send your lordship ?" "Oh ! thank you, cook," was the reply, in the slow, solemn and almost mournful voice of the brother judge. "I'll have what I have at half-past one ; then it won't disturb Baron Channell. I'll have, if you please, at half-past one, a piece of stale seedcake, and some camomile tea."

MR SERJEANT ADAMS was extremely fond of display ; having on one occasion to open the commission at Leicester in place of Mr Justice Burrough, who happened to be detained late at Derby, the learned serjeant would insist upon borrowing the full-bottomed wig and scarlet robes of that eminent person. Mr Justice Burrough was a short man with a small head ; Serjeant Adams was, on the contrary, a tall, fine-looking fellow with a massive forehead, and had he been content with his own black silk gown and wig he would have looked a very dignified and important personage ; but the effect was truly comical when seen, with the judge's full-bottomed wig just perched on the back of his head, while the scarlet robes scarcely reached to his knees.

A SCOTCH judge, after pronouncing sentence of death upon a former companion, whom he had always found it difficult to beat at chess, added : “ And now, Donald, my man, *I’ve checkmated you for once.*”

A WELL-KNOWN judge often relieved his judicial wisdom with a touch of humour. One day, during the trial of a case, Mr Gunn was a witness in the box, and as he hesitated a good deal, and seemed unwilling after much persistent questioning to tell what he knew, the judge said to him : “ Come, Mr Gunn, don’t hang fire.” After the examination was closed, the Bar was convulsed by the judge adding : “ Mr Gunn, you can go off ; you are discharged.”

HAVING been condemned to death for horse stealing, the prisoner said : “ My lord, it’s hard I should be put to death for stealing a horse.” The judge replied with his blindest smile : “ Pardon me, my good man, I do not hang you for stealing a horse, but that horses should not be stolen.”

ROBBIE JOHNSON was Provost of Dundee in 1769. His services being required on a certain occasion, a messenger was despatched to his house, who, upon asking for the Provost, was told by his goodwife that he was “ awa to the whin hill for a pockfu’ o’ whins.” Off went the messenger to the whin hills, and soon the Provost appeared, and throwing down his load pulled off his bonnet, and



wiping his bald pate said : “ Janet, where’s ma wig ? I’m tae sit in judgment the day.” “ Your wig ! Did I ever hear sic a man ! Your wig ! Hoo can ye hae your wig ? D’ye no ken the hen’s layin’ in it ? ”

**D**ANIEL O’CONNELL was at one time defending a man accused of murder at Clonmell. The circumstantial evidence was so strong against the prisoner that the jury had already determined upon their verdict of guilty, when the man supposed to be murdered was brought into court, alive and unhurt. The jury were desired to return their verdict at once, and they did so, but it was one of “ Guilty.” “ What does this mean ? ” said the judge. “ If the man has not been murdered, how can the prisoner be guilty ? ” “ Please yer Honour,” said the foreman, “ he’s guilty. He stole my bay mare three years ago.”

**A** WELL-KNOWN barrister at the criminal Bar, who prides himself upon his skill in cross-examining a witness, had an odd-looking witness upon whom to operate. “ You say, sir, that the prisoner is a thief ? ” “ Yes, sir—’cause why, she confessed it.” “ And you also swear she repaired shoes for you subsequent to the confession ? ” “ I do, sir.” “ Then,” giving a knowing look at the court, “ we are to understand that you employ dishonest people to work for you, even after their rascalities are known ? ” “ Of course ! How else could I get assistance from a lawyer ? ” “ Stand down ! ” shouted the man of law.

A BOMBASTIC counsel was arguing a case before a jury, in the course of which he delivered himself of the following specimen of eloquence :—  
 “ But, gentlemen, the whole subject is in the dark entirely, till we come to the testimony of Mr B. Then it is that the cloud of doubt begins to crack, and the cat is let out of the bag.”

L ORD ESKGROVE was a very “ wordy ” judge. In condemning a traitor to death for murdering a soldier by stabbing him, he aggravated the offence thus : “ And not only did you murder him, whereby he was berea-ved of his life, but you did thrust, or push, or pierce, or project, or propel the le-thal weapon through the belly-band of his regimental breeches, which were the property of his Majesty.”

A T an assize town on the Oxford Circuit, Mr Justice Buller was driven as usual in the sheriff’s carriage, the sheriff accompanying him to the court. On the way, by way of promoting conversation, the sheriff asked his lordship if he had been to see the elephant at the last assize town. “ Why, no, Mr High Sheriff,” he replied ; “ I cannot say that I did, for a little difficulty occurred ; we both came into the town in form, with the trumpet sounding before us, and there was a point of ceremony to be settled which should visit first.”

ON one occasion a storm had driven a party of the Westminster Volunteers to take refuge in Westminster Hall. Hearing the clatter of the musketry, Lord Ellenborough called out: "Usher, what noise is that?" "Oh! my lud," said the usher, "it's only the volunteers *exorcising*, my lud!" "*Exorcising*, are they? Well, sir, we will see who is best at that. Tell the volunteers, if they do not depart instantly I shall commit them to the custody of the tipstaff."

THE same judge used to be greatly annoyed during the season of colds with the noise of coughing in court. On one occasion, when the annoyances of this kind recurred with more than usual frequency, he was seen fidgeting about in his seat, and availing himself of a slight cessation observed in his usual emphatic manner: "Some slight interruption one *might* tolerate, but there seems to be an *industry* of coughing."

ODDLY enough for a lawyer, Sir W. Grant, Master of the Rolls, was a very silent man; he was the most patient of judges. The story is well known of his hearing an elaborate and lengthened argument, for two days, on the meaning of an "Act of Parliament," and when the counsel finished simply saying: "Gentlemen, the Act on which the pleading has been founded is repealed." On one of his visits to Banff he rode out a few miles into the country, accompanied by some friends. The only observation that escaped from him was in

passing a field of peas : " Very fine peas." Next day he rode out with the same friends, and was equally silent, but on passing the same spot he muttered : " And very finely podded, too."

" SIR," said a barber to an attorney who was passing his door, " will you tell me if this is a good seven-shilling piece ?" The lawyer, pronouncing the piece good, deposited it in his pocket, adding with great gravity : " If you'll send your lad to my office, I'll return the fourpence."

LORD COCKBURN'S looks, tones, language and manner were always such as to make one think that he believed every word he said. On one occasion, before he was raised to the Bench, when defending a murderer, although he failed to convince the judge and jurymen of the innocence of his client, yet he convinced the murderer himself that he was innocent. Sentence of death was pronounced, and the day of execution fixed for the 3rd of March. As Lord Cockburn was passing the condemned man the latter seized him by the gown saying : " I have not got justice—Mr Cockburn ; I have not got justice !" To this the advocate coolly replied : " Perhaps not ; but you'll get it on the 3rd of March."

LORD ELLENBOROUGH had the reputation of being a very severe judge in criminal cases. Dining one day at an assize dinner, someone offered to help him to some fowl. " No, I thank you," said

his lordship, "I mean to *try* that beef." "If you do, my lord," said Jekyll, "it will be *hung* beef."

LORD NORBURY, when once charging a jury in a breach of promise case, noticed that the letters of the faithless defendant had been so long in the plaintiff's pocket, or so often shown to her sympathising friends, that they were greatly frayed at the folds, and almost in tatters. "Gentlemen," said Lord Norbury, carefully holding up one of the epistles to the gaze of the jury, "it is easy to see that these are love letters, because they're so exceedingly tender."

THE following story is told of Lord Loughborough. Having pronounced a decision in the House of Lords which deprived an excellent clergyman of a considerable estate, and reduced him to absolute poverty, the Chancellor before leaving the Woolsack addressed the unfortunate suitor thus: "As a judge I have decided against you, whose virtues are not unknown to me; and in acknowledgment of those virtues I beg you to accept from me a presentation to a living now vacant, and worth six hundred pounds per annum."

A PRETTY story is told of Miss Bridge's morning call upon Lord Eldon. The Chancellor was sitting in his study, over a table laden with papers, when a young and lovely girl—slightly rustic in her attire, embarrassed by the novelty of her position, but thoroughly in command of her wits—entered the

room, and walked up to the lawyer's chair. "My dear," said the Chancellor, rising and bowing with old-world courtesy, "who *are* you?" "Lord Eldon," answered the blushing maiden, "I am Bessie Bridge of Weobly, the daughter of the Vicar of Weobly, and papa has sent me to remind you of a promise which you made him when I was a little baby, and you were a guest in his house on the occasion of your first election as Member of Parliament for Weobly." "A promise, my dear young lady?" interposed the Chancellor, trying to recall how he had pledged himself. "Yes, Lord Eldon, a promise. You were standing over my cradle when papa said to you: 'Mr Scott, promise me that, if ever you are Lord Chancellor, when my little girl is a poor clergyman's wife you will give her husband a living'; and you answered: 'Mr Bridge, my promise is not worth half-a-crown, but I give it you, wishing it were worth more.'" Enthusiastically the Chancellor exclaimed: "You are quite right. I admit the obligation: I remember all about it." And then, after a pause, archly surveying the damsel, whose graces were the reverse of matronly, he added: "But surely the time for keeping my promise has not yet arrived? You cannot be anyone's wife at present?" For a few seconds Bessie hesitated for an answer; and then with a blush and a ripple of silver laughter she replied: "No; but I do so wish to be *somebody's* wife. I am engaged to a young clergyman, and there's a living in Herefordshire, near my old home, that has recently fallen vacant, and if you'll give it to Alfred, why, then, Lord Eldon,



we shall marry before the end of the year." Is there any need to say that the Chancellor forthwith summoned his secretary, that the secretary forthwith made out the presentation to Bessie's lover, and that, having given the Chancellor a kiss of gratitude, Bessie hurried back to Herefordshire, hugging the precious document the whole way home.

**L**ORD ELDON was an eager sportsman, but a bad shot. One day, having ineffectually discharged two barrels at a covey of partridges, the Chancellor was slowly walking to the gate of one of his Encombe turnip-fields when a stranger of clerical garb and aspect hailed him from a distance, asking : "Where is Lord Eldon ?" Not anxious to declare himself to the witness of his ludicrously bad shot, the Chancellor answered evasively and with scant courtesy : "Not far off." Displeased with the tone of this curt reply, the clergyman rejoined : "I wish you'd use your tongue to better purpose than you do your gun, and tell me civilly where I can find the Chancellor." "Well," responded the sportsman, when he had slowly approached the questioner, "here you see the Chancellor—I am Lord Eldon." It was an untoward introduction to the Chancellor for a strange clergyman who had travelled from the north of Lancashire to ask for the presentation of a vacant living. Partly out of humorous compassion for the applicant who had offered rudeness, if not insult, to the person he was most anxious to propitiate ; partly because on inquiry he ascertained the respectability of the applicant ; and partly

because he wished to seal by kindness the lips of a man who could report on the authority of his own eyes that the best lawyer was also the worst shot in all England, Eldon gave the petitioner the desired preferment. "But now," the old Chancellor used to add in conclusion, whenever he told the story, "see the ingratitude of mankind. It was not long before a large present of game reached me, with a letter from my new-made rector, purporting that he had sent it to me because, from *what he had seen of my shooting*, he supposed I must be badly off for game. Think of turning upon me in this way, and wounding me in my tenderest point!"

PETER BURROWES, a well-known member of the Irish Bar, was on one occasion counsel for the prosecution at an important trial for murder. Burrowes had a severe cold, and opened his speech with a box of lozenges in one hand and in the other the small pistol bullet by which the man had met his death. Between the pauses of his address he kept supplying himself with a lozenge. But at last, in the very middle of a highfalutin period, he stopped. His legal chest heaved, his eyes seemed starting from his head, and in a voice tremulous with fright he exclaimed: "Oh! h-h!!! Gentlemen, gentlemen; I've swallowed the bul-let!"

TWO men were imprisoned, one for stealing a watch, the other for the theft of a cow. Meeting one day in the prison yard, the cow-stealer, who had a grudge against the other, asked what



o'clock it was. "*Milking time*," was the prompt and crushing reply.

**A**MONGST Lord Eldon's humorous answers to applications for preferment should be remembered his letter to Dr Fisher of the Charterhouse ; on one side of a sheet of paper :

"DEAR FISHER,—I cannot, to-day, give you the preferment for which you ask. I remain, your sincere friend,

"ELDON.

"*Turn over.*"

And on the other side :

"I gave it to you yesterday."

This note reminds one of Erskine's reply to Sir John Sinclair's solicitation for a subscription to the testimonial which Sir John invited the nation to present to himself. On the one side of a sheet of paper it ran :

"MY DEAR SIR JOHN,—I am certain there are few in this kingdom who set a higher value on your services than myself, and I have the honour to subscribe [*on the other side it concluded*] myself your obedient, faithful servant.      ERSKINE."

**S**TARTLING was the effect when at a York Assize sermon the preacher rose in the pulpit, the two judges sitting opposite to him, and gave out this text : "God shall smite thee, thou whited wall ; for sittest thou to judge me according to law, and commandest me to be smitten contrary to the law ? "

JUDGE: "How old are you?" Witness (a lady): "Thirty." Judge: "Thirty! I have heard you give the same age in this court for the last three years." Witness: "Yes; I am not one of those persons who say one thing to-day and another to-morrow."

LORD TENTERDEN even in his private life was very precise, and had the formal habits of a pedagogue. One day, while entertaining the barristers of his circuit at his table, he asked a magistrate who was present if he would take some venison. "Thank you, my lord," was the reply, "I am going to take some boiled chicken." "That, sir," testily answered the Chief Justice, "is no answer to my question. I ask you again, if you will take some venison, and I will trouble you to say, 'yes,' or 'no,' without further prevarication."

YELVERTON, who was Chief Baron of the Exchequer in Ireland, once went a Lent Circuit, and one of the assize towns happened to be a place of which one of his college contemporaries held the living; at his own request, the Chief Baron's reverend friend preached the assize sermon.

The time being the month of March, the weather was cold, the judge was chilled, and unhappily the sermon was long and the preacher tedious. After the discourse was over, the preacher descended from the pulpit, and approached the judge, smirking and smiling, looking fully satisfied with his own exertions, and expecting to receive the compliments and

congratulations of his quondam chum. "Well, my lord," he asked, "and how did you like the sermon?" "Oh! most wonderfully," replied Yelverton. "It was like the peace of God—it passed all understanding; and—like his mercy—I thought it would have endured for ever."

SERJEANT MANNING, who was a very nervous man, was one day arguing a case before the Judges of the Common Pleas, having a large number of books before him, almost sufficient to constitute a library. Whilst he was reading the report of one of the cases, a number of his books tumbled off the table in front of him. He said: "My lords, it is reported in two other books in the exact words." Mr Justice Maule said: "Are you sure it is exactly the same?" "Certain, my lords." Maule replied: "Why hunt for the other books? Read the same case again out of the one you have in your hand." Everybody in court laughed at this remark of the judge; the books were found and Manning left the court.

ON the Norfolk Circuit the sheriff's name was Bell. He was a very mean man, and forbade the ringing of the bells, as is customary on the entrance of the Judges of Assize, because he would not give anything to the ringers; and, when the corporation went to pay their respects to the judges, the mayor, in apology for the bells not ringing as usual, said: "My lord, we have one Bell that wants hanging."

LORD MANSFIELD was always very upset whenever a barrister pronounced a Latin word with a false quantity. "My lords," said the Scotch advocate, Crosby, at the bar of the House of Lords, "I have the honour to appear before your lordships as counsel for the Curātors." "Ugh," groaned the Westminster Oxford law lord, softening his reproof by an allusion to his Scotch nationality, "Curātors, Mr Crosby, Curātors ; I wish *our* countrymen would pay a little more attention to prosody." "My lord," replied Mr Crosby, with delightful readiness and composure, "I can assure you that *our* countrymen are very proud of your lordship as the greatest senātor and orātor of the present age."

A STORY is told of Baron Bramwell when trying a prisoner on the South Wales Circuit. Counsel for the defence asked leave to address the jury in Welsh ; the case was a simple one, and permission was given without demur. He said but very few words. The Baron also did not think much comment was necessary, but was somewhat startled by a prompt verdict of acquittal. "What was it," he afterwards inquired, "the learned counsel said to the jury ?" "Oh !" was the reply, "he just said, 'This case, gentlemen, lies in a nutshell. You see yourselves exactly how it stands. The judge is an Englishman, the prosecuting counsel is an Englishman, the complainant is an Englishman. But you are Welsh, and I am Welsh, and the prisoner is Welsh. Need I say more ? I leave it all to you.'"

Baron Bramwell did not allow the experiment to be

repeated of addresses to the jury in a language he was not conversant with.

**A**N advocate having gained a suit for a poor and by no means prepossessing young lady, she remarked: "I have nothing to pay you with, sir, but my heart." "Hand it over to the clerk, if you please. I wish no fee for myself," he replied.

**A**BARRISTER in one of our Australian colonies some years ago secured the acquittal of a notorious murderer by concluding his speech for the defence thus: "At great length, Gentlemen of the Jury, I have stated the reasons which cause me to believe in the prisoner's innocence, and to regard him as a personal friend. Gentlemen, the prisoner in the dock *is* my very dear personal friend; and if he falls by your hands I will avenge his honour and my loss. As a gentleman of an ould Irish family, who can snuff candles with a revolver at twelve paces, I call upon you to place my friend right in the eyes of society. I leave the case in your hands, feeling satisfied that you will not accuse me of employing the language of menace, when I have done no more than hint at some of the natural consequences of a verdict adverse to my conscientious opinion."

**B**ARON THOMSON is supposed to be the last judge who pressed a fellow-creature to death. At the Nottingham Assizes, in the year 1735, a *deaf and dumb* person was pressed to death because he obstinately remained *mute* till the last.

A CARPENTER having neglected to make a gibbet which was ordered by the hangman, on the ground that he had not been paid for the last he had erected, gave so much offence that the next time the judge came on that circuit he was sent for. "Fellow," said the judge, in a stern tone, "how came you to neglect making the gibbet that was ordered on my account?" "I humbly beg your pardon," said the carpenter. "Had I known it had been for your lordship it would have been done immediately."

AN eminent counsel being unable to attend a cause for a client in a particular court, handed over his brief to a junior counsel to conduct it, which he most readily agreed to do. About two hours afterwards the Queen's Counsel, having met the junior counsel, inquired of him how he got on with the case. "Got on!" replied he. "Why, the bill of exchange is impounded; the witnesses are ordered not to leave the court, and instructions are to be sent to the Law Society to move to strike the solicitor off the rolls. In my hurry to get out of court to hide my shame and vexation I lost my watch; but I had pluck enough to tell the judge, before I left the court, that it was not my brief, but yours."

ONE morning Cyrus Jay met a solicitor at the master's office taking the costs of a breach of promise action, and was astonished at the size of his briefs. A month afterwards he met him



going to tax costs in another action, with briefs equally as long. Asking him how he could make his briefs so bulky he replied: "Easily enough. I have no library, keep only one clerk, who is a boy, and possess only one book, which is Napier's '*History of the Peninsula War*.' I draw a fair brief of eight sheets, comprising the whole of the facts of the case. I then give Napier's '*History of the Peninsula War*' to the boy to copy, telling him not to leave off till I give him instructions so to do. When I find there are sheets enough, I tack them to the eight sheets; but I never got beyond Saragossa."

**L**ORD KENYON had once to try a woman for stealing in a dwelling house to the amount of forty shillings. At that time such a crime was punishable with death. The case was clearly proved against her. It was her first offence, and many extenuating circumstances appeared in the course of the evidence. Lord Kenyon resolved to recommend her to mercy, but was of course compelled by the law to pass the sentence of death on her. She fainted away immediately he began; shocked beyond measure, the kind-hearted judge cried out: "Good woman, good woman, I don't mean to hang you! I don't mean to hang you! Will nobody tell her I don't mean to hang her!"

**D**R BRODUM, a notorious quack, was once under examination by Mr Abraham Moore. "Your name is Brodum, I believe?" inquired the counsel. The doctor nodded assent. "Pray how do

you spell it, Bro-dum, or—Broad-hum ? ” On this there was a loud laugh in court, which was not diminished when the quack replied with admirable self-possession : “ Why—sare, as I be but a doctor, I spell my name Bro-dum, but if I were a *barrister* I should spell it *Broad-hum*.”

LORD CAMPBELL tells how, at the opening period of his professional career, soon after the publication of his “ *Nisi Prius Reports*,” he, when on circuit, successfully defended a prisoner charged with a criminal offence ; and how, whilst the success of his advocacy was still quickening his pulses, he discovered that his late client had contrived to relieve him of his pocket-book, full of bank-notes. As soon as the presiding judge, Lord Chief Baron Macdonald, heard of the mishap of the reporting barrister he exclaimed : “ What ! does Mr Campbell think that no one is entitled to ‘ take notes ’ in court except himself ? ”

A CONVICTED felon named Hog once implored Sir Nicholas Bacon not to pass sentence of death upon him because Hog and Bacon were near akin to each other ; to which piece of impudence Sir Nicholas, then acting as judge on the Northern Circuit, is said to have answered with brutal jocularity : “ Nay, my friend, you and I cannot be kindred except you be hanged, for hog is not bacon until it be hanged ; so the sentence of the court is, etc, etc.”



**L**ORD ELLENBOROUGH was once about to go on circuit when Lady Ellenborough said that she would like to accompany him. He replied that he had no objection provided she did not encumber the carriage with band-boxes, which were his utter abhorrence. During the first day's journey Lord Ellenborough, happening to stretch his legs, struck his foot against something below the seat ; he discovered it was a band-box. Up went the window, and out went the band-box. The coachman stopped, and the footman, thinking that the band-box had tumbled out of the window by some extraordinary chance, was going to pick it up, when Lord Ellenborough furiously called out : " Drive on ! " The band-box accordingly was left by the ditch-side. Having reached the country town where he was to officiate as judge, Lord Ellenborough proceeded to array himself for his appearance in court. " Now," said he, " where's my wig ? Where is my wig ? " " My lord," replied his attendant, " it was thrown out of the carriage window."

**C**URRAN was engaged in a legal argument ; behind him stood his colleague, a gentleman whose person was remarkedly tall and slender, and who had originally designed to take Orders. The judge observed that the case under discussion involved a question of ecclesiastical law. " Then," said Curran, " I can refer your lordship to a high authority behind me, who was once intended for the *Church*, though (in a whisper to a friend beside him), in my opinion, he was fitter for the *steeple*."

CURRAN being asked, "what an Irish gentleman, just arrived in England, could mean by perpetually putting out his tongue?" answered, "I suppose he's trying to catch the English accent."

A CASE was argued before the Court of Chancery in which there was some dispute about the age of a woman, whom Mr Graham (afterwards Baron Graham) had stated to be five and forty, rather against the evidence. The Master of the Rolls (Sir Pepper Arden) disputing a little the statement of Mr Graham, the latter said: "I'll lay you a bottle—— My lord, I beg your pardon, I really forgot where I was."

LORD ARMADALE, one of the Scotch judges, had a son who, at the age of eleven or twelve, rose to the rank of a Major. One morning his mother, hearing a noise in the nursery, rang to know the cause of it. "It is only," said the nurse, "the Major greetin' for his porridge."

A NOTORIOUS thief, being tried for his life, confessed the robbery he was charged with. The judge thereupon directed the jury to find him guilty upon his own confession. The jury having consulted together brought him in "Not Guilty." The judge bade them consider their verdict again, but still they brought in a verdict of "Not Guilty." The judge asking the reason the foreman replied: "There is reason enough, for we all know him to be one of the greatest liars in the country."

A HUMOROUS fellow, a carpenter, being subpoenaed as a witness on a trial for assault, one of the counsel who was much given to brow-beating the witnesses asked him what distance he was from the parties when he saw the prisoner strike the prosecutor; the carpenter answered: "Just four feet five inches and a half." "Pray tell me," said the counsel, "how is it possible you can be so very exact as to the distance?" "Why, to tell you the truth," replied the carpenter, "I thought perhaps that some fool or other might ask me, and so I measured it!"

LORD CAMPBELL tells of a judge who wound up a sentence of death at Stafford on a prisoner, convicted of uttering a forged one-pound note, in the following facetious manner:—"And I trust that through the merits and mediation of our Blessed Redeemer you may there experience that mercy which a due regard to the credit of the paper currency of the country forbids you to hope for here."

A TALE is attached to Sir Frank Lockwood's first brief. It was on a petition to the Master of the Rolls for payment out of court of a sum of money, and Lockwood appeared for an official liquidator of a company whose consent had to be obtained before the court would part with the fund. Lockwood was instructed to consent, and his fee was to be three guineas on the brief, and one for consultation.

The petition came on, in due course, before Lord

Romilly, and was made plain to him by counsel for the petitioner, and still a little plainer by counsel for the principal respondent. Then up rose Lockwood, an imposing figure, and indicated his appearance in the case. "What brings you here?" asked Lord Romilly, meaning probably, "Why need I listen to you?" Lockwood looking puzzled, Lord Romilly added a little testily: "What do you come here *for*?" The answer was immediate, unexpected and, accompanied as it was by a dramatic glance at the outside of his brief as if to refresh his memory, triumphant: "Three and one, my lord!"

AN amusing story of Mr Justice North's *lapsus linguæ* is still told on the Oxford Circuit. A lunatic murdered his wife and children. The only question for the jury was the state of the prisoner's mind. When arrested by the police and requested to dress himself before being taken to the cells, the accused had—with one of the euphemisms common among that class—said to the police: "You'll find my bloody coat and my bloody waistcoat on the bloody bed."

When the learned judge was summing up, very properly directing the jury that the state of the prisoner's mind was practically the sole question for them, the details of the murder being undisputed, he seemed, as he turned over the pages of his notes on evidence, to be suddenly struck with something he observed in them. After a glance at a back page he delivered himself (in effect): "I seem to have overlooked till now an item of evidence—but perhaps

not of much importance, bearing in mind the prisoner's own admission as to the death of the children. Still, I mention it for what it is worth. He appears to have said when arrested that some of his clothes, as also the bed, were stained with blood. I do not find that any witness for the prosecution appears to have noticed these stains ; and after all they are comparatively unimportant ; but I leave the consideration of them to you ! ”

IT is related of Mr Justice Lawrence, a most excellent man and able judge, that at a trial at York he summed up decidedly in favour of the defendant ; but having given the case further consideration it appeared to him that he had altogether mistaken the law. A verdict having been recorded against the plaintiff he had no redress, but it is generally understood that the judge, feeling the hardship of his situation, left him in his will a sum of money sufficient to indemnify him for the loss he had thus sustained.

A LEARNED serjeant, since a judge, being asked what he would do if a man owed him ten pounds and refused to pay said : “ Rather than bring an action, with its costs and uncertainty, I would send him a receipt in full discharge of all demands.” “ Ay,” said he, recollecting himself, “ and I would moreover send him five pounds to cover possible costs.”

**W**ARNER SLEIGH was a great thieves' counsel, and was not debarred by etiquette in taking instructions direct from his clients. One day, following a rap on the door of his chambers in Middle Temple Lane, a thick-set man, with cropped poll of unmistakably Newgate cut, slunk into the room, when the following colloquy took place.

"Mornin', sir," said the man, touching his forelock. "Morning," replied counsel. "What do you want?" "Well, sir, I'm sorry to say, sir, our little Ben, sir, has 'ad a misfortin'; fust offence, sir, only a 'wipe'——" "Well, well!" interrupted counsel. "Get on." "So, sir, we thought as you've 'ad all the family business we'd like you to defend 'im, sir." "All right," said counsel; "see my clerk——" "Yessir," continued the thief; "but I thought I'd like to make sure you'd attend yourself, sir; we're anxious 'cos it's little Ben, sir, our youngest kid." "Oh! that will be all right. Give Simmons the fee." "Well, sir," continued the man, shifting about uneasily, "I was going to arst you, sir, to take a little less. You see, sir (wheedlingly), it's little Ben—his first misfortin'." "No, no," said the counsel impatiently. "Clear out!" "But, sir, you've 'ad all our business. Well, sir, if you won't you won't, so I'll pay you now, sir." And as he doled out the guineas: "I may as well tell you, sir, you wouldn't 'a' got the 'eouties' if I 'adn't 'ad a little bit o' luck on the way."



LORD JUSTICE BRAMWELL on one occasion allowed his wrath to get the better of him when on the Bench. Before sentencing a man convicted of a series of terrible assaults on young children he said : “ Your counsel tells me that four years’ penal servitude will kill you. *I don’t care if it does kill you.*”

THE same judge tried a woman in Flintshire for the murder of her husband. Forty long years they had lived together, the man treating the wife with unbearable cruelty all the time. Perhaps she was partly to blame ; anyhow one night she got a razor and cut her husband’s throat, then cut her own, but did not at once die. When he came to sum up, Sir George Bramwell related to the jury the old woman’s life and treatment. By degrees the misery and pathos of the story was too much for him, he put his hands before his face and burst into tears. Recovering himself in a minute or two, he warned the jury to banish from their minds that irrelevancy in his charge. They thereupon found the old woman guilty. She died within a day or two, in gaol. “ I can’t think,” said Baron Bramwell afterwards to a friend who saw those tears, “ how I came to make such a fool of myself.”

ANNE MORRIS of Bishopstone, in Herefordshire, having been brought before a magistrate for stealing a rail post, Margaret Morris, her aunt, in whose house she lodged, offered to swear that within the eight years during which her niece had

lived with her she had never *seen* her bring any stolen articles into the dwelling. On cross-examination, the old hypocrite admitted that she had been *blind* for upwards of fifty years.

ON one occasion Mr Justice Maule examined a little girl as to her understanding the nature of an oath, and her belief in a future state. "Do you know what an oath is, my child?" asked the judge, in kindly tones. "Yes, sir; I am obliged to tell the truth." "And if you always tell the truth where will you go to when you die?" "Up to heaven, sir." "And what will become of you if you tell lies?" "I shall go to the naughty place, sir." "Are you sure of that?" "Yes, sir; quite sure." "Let her be sworn," said the judge; "it is clear she knows a great deal more than I do."

THE following story shows how a child in a criminal case may be the arbiter of life or death. At the Chelmsford Assizes, before Mr Justice Miller, a farm labourer was charged with the murder of his young daughter, who had kept him waiting for his dinner in the fields. The only witness of the crime—her little sister, who had accompanied her—was a child of ten. The learned judge examined her in the usual way. The child was intelligent, knew her catechism, and went to Sunday school; she was sworn. Suddenly a hoarse voice was heard from the dock: "Speak the truth, Annie! Speak the truth!" And she did speak the truth, and on her evidence the father was found guilty, sentenced to death and hanged.



SERJEANT ADAMS, who was assistant criminal judge at the sessions, had a very pleasant wit, and knew how to deal with any counsel who took to "highfalutin." On one occasion, after an altercation with the judge, the counsel for the prisoner in his address to the jury reminded them that "they were the great palladium of British Liberty—that it was *their* province to deal with the facts, the *judge* with the law—that they formed one of the great institutions of their country, and that they came in with William the Conqueror." Adams at the end of his summing up said: "Gentlemen, you will want to retire to consider your verdict, and as it seems you came in with the Conqueror you can now go out with the beadle."

AT a certain assize court, some years ago, while a barrister named Parsons was addressing the court, an ass in the street happened to bray so loudly as to interrupt the learned gentleman; whereupon the judge said: "One at a time, gentlemen; one at a time, if you please." This caused much laughter in court, but the barrister soon had a chance of returning a "Roland for an Oliver." When his lordship was charging the jury the same donkey brayed again, and "deeper and deeper still." At this time the judge was so entirely taken up with the business in progress that he quite forgot his own joke, and started at the sound of Neddy's sweet voice. He hastily said: "What's that? What noise is that?" "It's only the echo of the court, my lord," said Mr Parsons gravely,

a retort received with peals of laughter by a crowded court.

A GENTLEMAN was once called upon a jury at the Old Bailey, but he, being in distressed circumstances, resolved to turn upon the roads to mend his fortune, upon which he ordered his barber to make him a scarlet wig, which he wore, and robbed two gentlemen, after which he threw the wig away. A countryman with his team travelling the road picked it up, and, admiring it, threw off his cap and put on the scarlet wig, thinking it was the fashion in London; he soon after arrived in town, and the two gentlemen who were robbed, seeing the countryman, immediately took him into custody, supposing him to be the man who robbed them. He was brought up to the Old Bailey for trial, and sworn to by the two gentlemen. The real highwayman was on the jury, and he, thinking it a cruel circumstance that an innocent man should suffer for his crime, and putting on the wig, said to the gentlemen: "Who was it who robbed you?" "Oh!" said the gentlemen, "it was *you*; you are the man, we are sure." Then said the judge to them: "Why, you two will say it is me if I put on the wig—you have already sworn to one, and you want to swear to another; *turn them both out of court or they will swear to me next.*"

A CHAIRMAN of some quarter sessions, who was so lenient to female culprits that a woman was seldom convicted when he presided, was on one occasion absent from the chair, which was occupied

by not so gallant a gentleman, when a woman was put in the dock indicted for uttering forged bank-notes. According to the usual form of law, the Clerk of the Crown asked the prisoner if she was ready to take her trial. With great disdain she answered : " No, my lord ! I'll be tried by the other judge or not at all." The simplicity of the woman, coupled with the well-known character of the absent judge, caused a roar of laughter in court. The chairman, about to explain the impossibility of being tried by the popular judge, said : " He can't try you," when the woman stopped him short, and with an inimitable sneer exclaimed : " Can't try me ? Why, he tried me twice before !" She was tried, however, and for the third time acquitted.

**M**R COMMISSIONER KERR, the terror of evildoers at the Old Bailey, once summed up a criminal case in three words. An evidently " old hand " concluded a long speech, betraying too much intimacy with the procedure and phraseology of courts of justice in the speaker to permit of it being supposed that he was in one for the first time, by remarking : " and now, gentlemen, I have no more to add." " Nor have I," said the Commissioner to the jury by way of summing up.

**I**N a civil case the same Commissioner summed up in two words. After a long wrangle between the rival counsel in a " running down " case, the Commissioner's summing up, expressing his view of the whole matter, was comprised in the two words : " How much ? "

MR JUSTICE GRANTHAM had a keen sense of humour ; on one occasion, when he was judge at the Newcastle Assizes, he left the mansion house where he was staying, at night, to post his letters. As he was wearing a cap he was not recognised by the police officer who was on duty outside, and the constable inquired of his lordship if “ the old —— had gone to bed yet.” The judge replied that he thought not, and a short while after he had returned to the house he raised his bedroom window, and putting out his head called to the constable below : “ Officer, the old —— is just going to bed now.”

A JURYMAN who asked in a loud tone if he might be relieved from attendance for the day was answered by Mr Justice Grantham in a still more distinct voice : “ Yes, you may go ; but *do not tell* any of your fellow-jurymen.”

MR JUSTICE DARLING, in his clever little book, “ *Scintillæ Juris*,” says : “ It is characteristic of women that they think everything they can say to be very material, and therefore they never understand why any such questions should be put to them. It also passes their comprehension why they should be stopped just when they are about to inform the court of the most important matter of all —namely, what a man’s wife thinks of him. Women are invariably angry in the witness box ; for the rules of evidence happen to be peculiarly repressive of feminine conversation ; wherefore they look

upon them as prominent examples of the laws designed for the subjection of their sex." And he adds: "Of children, perhaps, orphans are the more truthful witnesses."

MR JUSTICE GRANTHAM, who was a noted agriculturist, on one occasion heard a labourer in a railway carriage tell another that he had purchased two "foine little pups for thirty bob apiece." The judge could not let that pass. He leaned forward and pointed out to the man how much more thrifty he would have shown himself had he invested in pigs, fattened them up, and——" Here the labourer cut him short with: "Ay, and a fool I should 'a' looked goin' rattin' with three bl—y pigs."

SERJEANT WHITAKER was on one occasion going to Oxford in company with a Mr Murphy, and in the lane of a country village his carriage was stopped. A waggon was delivering fat and offal to a tallow chandler. He was fretting at this, when a horseman came up to the side of his chaise, remarkable for his thinness. He began teasing the Serjeant with an account of the number of miles he had ridden on that day, and the still greater number he had to go before night. Whitaker heard him patiently for some time, but at length, with a vivid hatred of the fat and offal which had stopped him, said: "And what mighty matter is all this, sir, considering that you have just sent your *insides* before you, and have now nothing to carry but the *case*?"

THE same learned Serjeant was once on the Oxford Circuit, when a friend at one of the assize towns offered him a bed. The next morning the lady of the house asked him how he had slept, and hoped that he had found himself comfortable and warm. "Yes, madam, yes; pretty well on the whole. At first, to be sure, I felt a little queer for want of Mrs Whitaker; but recollecting that my portmanteau lay in the room, I threw it behind my back, and it did every bit as well."

SERJEANT DAVY was a real humorist. He usually went by the name of "Bull Davy," on account of his manners, but on one occasion a woman witness was too much for him. He was originally a druggist, when he became bankrupt. Being once on the Western Circuit, he cross-examined an old countrywoman very severely respecting a circumstance that had happened within her observation some years before. "And pray, good woman," said the Serjeant, "how is it that you should be so particular as to remember that this affair happened on a market day?" "Why, sir," replied the woman, "by a very remarkable token, that all the cry of the city went that Mr Davy, the drugster, had that morning shut up shop and run away." "I think, brother," said the judge, "that you want no further proof of the witness's memory."

SERJEANT DAVY with his humour was quite a match for the Chief Justice—Mansfield. Lord Mansfield, by no means profoundly skilled in the higher principles of law, broke out one day against



the Serjeant (who probably was correct, and at all events knew well what he was contesting) with this gibe : “ If this be law, sir, I must burn all my books, I see.” “ Your lordship had better read them first,” was Davy’s rejoinder.

A GOOD story is told of Serjeant Davy by Lord Eldon, showing that the Serjeant was none too scrupulous. It appears that two serjeants, Davy and Whitaker, agreed to buy two pipes of Madeira. This wine was to make the usual voyage to the East Indies, and to be paid for upon its arrival in the Thames. Davy knew that this Madeira was remarkably fine, and exceptionally cheap, and, knowing that his learned brother did not like paying his money for nothing, as they were walking together in Westminster Hall he said : “ Brother Whitaker, how unfortunate we have been in not insuring those pipes of Madeira ! The vessel on board of which they were, is lost, and our Madeira is at the bottom of the sea, and now you and I have to pay our money for nothing.” “ *Our Madeira ?* ” said Whitaker. “ I don’t know what you mean. I have nothing to do with any Madeira.” “ What ! ” said Davy, “ you surely don’t mean to deny that we were to be joint purchasers of two pipes, which, for improvement, were to go to the East Indies and back, and now to get off paying your half of what we jointly purchased ? ” Whitaker positively denied that he had ever entered into any such arrangement. “ Well, then,” said Davy, “ I am glad of it. It is the finest Madeira that ever came into the Thames,

The ship and wine are safe, and *the wine is all my own.*"

SERJEANT HILL was a very absent-minded man. The story goes that, on the morning of the day appointed for his wedding, the Serjeant went down to his chambers as usual, and, becoming immersed in his briefs, forgot entirely his important engagement. The bride waited so long that it was feared the canonical hour would elapse before his arrival. A messenger was accordingly despatched to require his immediate attendance. He obeyed the summons and, having become a husband, returned again to his business. About dinner-time his clerk, suspecting that he had forgotten entirely the proceedings of the morning, ventured to recall them to his recollection; fortunately the Serjeant had at that moment discovered the case for which he had been hunting, and he returned home to his expectant bride.

WHEN Serjeant Hill's wife died, a friend called upon him to offer his condolences. He found the Serjeant sitting very sorrowful and disconsolate. At last he said: "So, poor woman, you find she is gone?" "Yes, sir," replied the visitor. "I merely called to condole with you upon the melancholy occasion." "Ay," said the Serjeant, "she is gone! A very good woman! A great loss to me, certainly, sir! But I'll tell you one thing; if I should ever be induced to take another wife, I would not marry merely for money."



**M**R JUSTICE WILLES, the son of Chief Justice Willes, was too volatile and inattentive for the Bench, but he was, however, very anxious to do right. He condemned a boy at Lancaster, and, with the hope of reforming him by frightening him, ordered him for execution the next morning. The judge awoke in the middle of the night, and was so affected by the notion that he might himself die in the course of the night, and the boy be hanged though he did not mean that he should suffer, that he got out of bed, and went to the lodgings of the high sheriff, and left a reprieve for the boy, and then, returning to his bed, spent the rest of the night comfortably.

**S**ERJEANT PRIME was noted for his long nose. One day he was thrown from his horse, and a countryman coming up looked earnestly at him, as he helped him to rise, and inquired if he was not hurt. On being answered in the negative, the fellow grinned and said : “ I zee, sur, yer *ploughshare* saved ye.”

**D**AN O’CONNELL defended once a man named Hogan charged with murder. A hat, believed to be the prisoner’s, was found close to the body of the murdered man, and this was the principal ground for supposing Hogan was the perpetrator of the foul deed. That the deceased came by his death by violence the state of the body clearly showed, and O’Connell felt the case for the prisoner required the exercise of his utmost powers. The

Crown counsel made a strong point of the hat, which was produced in court. O'Connell cross-examined the neighbour of the prisoner who identified it. "It is not different from other hats?" said O'Connell. "Well, seemingly, but I know the hat." "Are you perfectly sure that this was the hat found near the body?" "Sartin sure." O'Connell proceeded to inspect the *caubeen*, and turned up the lining as he peered into the interior. "Was the prisoner's name, P A T. H O G A N" (he spelled each letter slowly), "in it at the time you found it?" "'Twas, of coorse." "You could not be mistaken?" "No, sir." "And all you swore is as true as that?" "Quite." "Then go off the table this minute," cried O'Connell triumphantly. Addressing the judge he said: "My lord, there can be no conviction here. *There is no name in the hat!*" The prisoner was at once acquitted.

O'CONNELL on one occasion defended a man accused of cattle stealing, who was however acquitted owing to a flaw in the indictment. It was said the cow in question was the fattest of a number of cows, and the night on which it was stolen was as dark as pitch. The grateful cattle stealer came in the evening to O'Connell's lodgings to thank him for having saved his life, for in those days cattle stealing was punished by hanging. "How did you contrive to select the fattest cow when the night was quite dark?" inquired O'Connell, wishing to increase his stock of useful knowledge. "Well, your honour, you saved my life," replied the

culprit, "so I'll put you up to the dodge. When you go to steal a cow, and wish av coorse to take the best—for 'in for a penny, in for a pound'—be sure to take her that's on the outside. The wakest craturs always make for the ditch for shelter, but the fat bastes are outside."

O'CONNELL was once retained in a Kerry case in which the *venue* or place of trial (it being in law a *transitory* action) was laid in Dublin. O'Connell was instructed to try to change the *venue*, so that the case might be tried in Tralee. This motion was resisted, and Mr Scriven, the counsel opposed to O'Connell, happened to be a gentleman of a very plain, even forbidding countenance, and of high Tory politics. He stated "he had no knowledge of Kerry, and had never been in that part of Ireland." "Oh!" replied O'Connell, "we'll be very glad to welcome my learned friend and show him the lovely lakes of Killarney." "Yes," growled Mr Scriven, "I suppose the bottom of them." "No, no!" retorted Dan. "*I would not frighten the fish.*"

JEREMIAH KELLER—commonly called Jerry Keller—was a barrister well known for his wit in the social circle of Dublin. A cousin of his, a wine merchant, supplied the cellars of the Bar mess, and a supercilious junior thought to raise a laugh at the expense of Jerry Keller. At the Bar mess-table the young barrister, addressing Keller, said: "It is very odd, Mr Keller, that I have noticed the claret bottles growing smaller and smaller each

assizes since your cousin became our wine merchant, though, I daresay, there is no reduction in the price.” “Whist,” said Jerry. “Don’t you be talking of what you know nothing about. Of course ’tis natural the bottles should be growing smaller, because we all know they *shrink in the washing*.”

A PRISONER, an old offender, was tried before Chief Baron O’Grady at Ennis on the last day of the assizes for County Clare. He was charged with robbery on the highway, effected with considerable violence. To the surprise of his lordship, who considered the case clearly proved, the verdict was “Not Guilty.” The judge, determined to let the jury know what he thought of their decision, turning to the Crown solicitor inquired: “Is there any other indictment against this *innocent* man?” “No, my lord.” “Then tell the gaoler not to let him loose till I get *half-an-hour’s start* of him, for I’d rather not *meet him on the road*.”

ONCE when Judge Day—a very able man—went as judge on the Munster Circuit there were so many prisoners for trial in Limerick that he feared he could not open the commission for Kerry at Tralee without sitting very late. When he continued long after the usual time, and showed no intention of rising, the members of the Bar remonstrated, but without effect. At length, near midnight, as he still held on, a slip of paper was handed to him by the crier’s wand. He read it, smiled, and answered, “he would try no more cases

that night." The paper contained these lines, written by a member of the Bar :

"Try men by night ! My lord, forbear,  
Think what the wicked world will say ;  
Methinks I hear the rogues declare  
*That Justice is not done by Day.*"

LORD AVONMORE had one great fault as a judge : he jumped too suddenly at conclusions. An anecdote is told of the way Curran demonstrated this fault to his lordship. Entering the Court of Exchequer, one morning, later than usual, Curran found a case he intended to argue had been struck out of the list owing to his absence. On applying to have it reinstated, Curran, addressing the Chief Baron, said : " My lord, the circumstance I am about to relate will, I trust, show your lordship I really required a little time to elapse, in order that my mind could recover from what I so recently witnessed." " Good gracious ! what was it, Mr Curran ?" eagerly inquired the kind-hearted old judge. " I will tell your lordship as calmly as I can. On my way to court I passed through the market." " Yes, I know, the Castle Market," struck in his lordship. " Exactly, the Castle Market ; and passing near one of the stalls I beheld a brawny butcher brandishing a sharp, gleaming knife. A calf he was about to slay was standing awaiting the death stroke, when, at that moment — that critical moment—a lovely little girl, in all the sportive mirth of childhood, came bounding from her father's stall. Before a moment had passed the butcher

plunged his knife into the breast of—— “Good God ! his child !” sobbed the judge, deeply affected. “No, my lord, but the calf,” rejoined Curran ; “ *but your lordship often anticipates.*”

LORD AVONMORE was frequently lost in reverie, and quite oblivious of what was passing around him. Both he and Curran were at a dinner-party, and Curran, who sat next to the Chief Baron, observing him quite abstracted when the toast, “Our absent friends,” was drunk, nudged him. “My lord,” he said, “our host has just proposed your health, which has been received in very cordial terms. Surely you will respond.” “Thank you, Curran ; really, I was not aware of it,” replied the Chief Baron, and up he got ; and to the surprise of many, and the amusement of more, made an eloquent speech in reply to a toast which was not given.

AT the time the Earl of Clonmel was Lord Chief Justice a very undignified practice of paying his lordship a shilling for administering an oath was customary. As counterfeit coins, called “Warwickshire shillings,” were in circulation, the astute judge used the following formula to assure his not having a base coin passed upon him. “You shall true answer make to such questions as shall be demanded of you, touching this affidavit, so help you God. Is this a good shilling ? Are the contents of this affidavit true ? Is this your name and handwriting ?”



PETER BURROWES, K.C., known as "the Goldsmith of the Bar," was very absent-minded at times. He was so accustomed to shave before a looking-glass placed in a particular spot in his dressing-room, that when the glass was broken and removed he still repaired to his accustomed corner, and performed his shaving, unaware he had no looking-glass. Donnelly, his old valet, tells how, one day, when his master was dressing for a dinner-party, he missed one of his black silk stockings. Donnelly assured him they had been placed together on a chair. "I have tried everywhere, Donnelly, and I can't find it high or low," said the judge. "Did you try your foot, sir? For I'm thinking you put the pair on one leg," replied Donnelly. The commissioner did. "'Pon my word, you are right, Donnelly," as he discovered what he had done.

SERJEANT GOOLD was the victim of an amusing misunderstanding. While on circuit in Limerick the Serjeant was invited to dine with a friend outside the city, and when returning late at night, after passing a very convivial evening, met a patrol of military under the command of a Highland sergeant. "Who goes there?" asked the Scotchman. "Serjeant Goold," was the reply. "Well, now, if you be Sergeant Goold, produce your furlough." This unexpected, and perhaps unintelligible, demand was not promptly met, so the Highland sergeant was convinced the rank of the civilian was assumed, and was about taking the honoured Serjeant into custody when luckily an officer of the

garrison came up, and recognising his Majesty's Serjeant-at-Law rescued him from the guard-house. It took some time to reconcile the Scotch sergeant to the loss of his prisoner, for he could not understand how anyone could be a sergeant who had not *sarved*.

GRADY was one of the most eminent Irish *nisi prius* lawyers of his day. He exercised much influence in court by what he termed "his jury eye." His right eye was constantly used in winking at the jury when he wished them to note some particular answer from an adverse witness. Appearing in court one morning in rather depressed spirits, which for one of his usual joyous temperament was very unusual, a sympathising friend said: "Harry, are you unwell? You are not as lively as usual." "How can I be, my dear fellow?" he answered. "What's the matter with you?" "*My jury eye is out of order*," was the reply.

MACNALLY, an Irish barrister, walked with a limp, one leg being shorter than the other. When the barristers were enrolling their names in the volunteer corps, MacNally asked Curran "if he should give in his name to join." "If you enlist," said Curran, "you will shortly be tried, and perhaps shot, for disobedience of orders." "Why?" asked MacNally rather indignantly. "Because when ordered to *march* you will certainly *halt*," was the reply.

Parsons, also a barrister who was lame, limping



up to Curran, asked him: "Did you see MacNally going *this way*?" "I never saw him going *any other way*," was the rejoinder.

ROBERT HOLMES had much dry caustic humour in his character, as the following story of him proves. He says: "I was waiting for some case in which I was counsel, when the crier called 'Pluck and Diggers,' and in came James Scott, Q.C., very red and heated, and throwing his bag on the table within the Bar he said: 'My lords, I beg to assure your lordships I feel so exhausted I am quite unable to argue this case. I have been speaking for three hours in the Court of Exchequer, and I am quite tired, and pray excuse me, my lords. I must get some refreshment.' The Chief Justice bowed and said: 'Certainly, Mr Scott.' So that gentleman left the court. 'Mr Holmes, you are in this case,' said the Chief Justice, 'we'll be happy to hear you.' 'Really, my lord, I am very tired, too,' said Mr Holmes. 'Surely,' said the Chief Justice, 'you have not been speaking for three hours in the Court of Exchequer? What has tired you?' 'Listening to Mr Scott, my lords,' was Holmes' sarcastic reply."

SOME men were indicted before Judge Ball at the Cork Assizes for a riot and assault. They were charged with beating men employed in drawing away turf from a bog. The witness said: "As they drove along they saw the prisoners fencing along the road." "Eh, what do you say the prisoners

were doing ?” asked Judge Ball. “Fencing, my lord.” “With what ?” “Spades and shovels, my lord.” Judge Ball looked amazed. “Mr Bennett,” he said, addressing the senior Crown Prosecutor, “can this be true ? Am I to understand that the peasants in this part of the country fence along the roads, using spades and shovels for foils ?” “I can explain it,” said George Bennett. “They were making a ditch, which we call a fence here, my lord.” This explanation cleared up the enigma, and the case went on.

AN amusing *bon mot* is that of Phil O’Connell, a well-known Irish solicitor. A friend of his was engaged to be married to the third daughter of Dr Foot. At this time the friend was expecting a commission in the Line. The late Judge Berwick asked Phil O’Connell : “Is it true our friend is joining the army ?” “Quite true, judge,” replied Phil, “he is attached to the 3rd Foot.”

AT the Clare Assizes, at Ennis, two brothers named Hourigan were indicted for feloniously, unlawfully and maliciously setting fire to a certain dwelling-house (a police barrack) with intent to injure, etc. The police barrack had been set on fire by means of a jar of pitch, found half-consumed near the burnt barrack. Dan O’Connell was employed for the defence, and by his desire a skillet containing pitch was secretly placed near the witness’s chair, and over this O’Connell placed his broad-brimmed hat, so as to effectually conceal it. The principal

witness for the prosecution was examined by Mr Bennett, K.C. He swore "that he discovered the barrack on fire, and knew it was set on fire by pitch, for he got the smell of it." He was then cross-examined by O'Connell. "You know the smell of pitch then?" asked O'Connell. "I do, well," replied the witness. "You seem a man able to smell pitch anywhere," said O'Connell. "Anywhere I found it." "Even here in this court-house, if it was here?" "No doubt I would." "And do you swear you don't get the smell of pitch here?" asked O'Connell. "I do solemnly," replied the witness, "if it was here I would smell it." Then O'Connell, taking his hat off the skillet of pitch which was placed beside the witness's chair, cried: "Now you may go down, you perjured rascal. Go down."

This saved his clients. The jury discredited the witness, the prisoners being acquitted.

CURRAN once met his match, in a pert, jolly, keen-eyed son of Erin, who was up as a witness in a case of dispute in the matter of a horse deal. Curran was anxious to break down the credibility of this witness, and thought to do it by making the man contradict himself—by tangling him up in a network of adroitly framed questions—but to no avail. The ostler's good common-sense, and his equanimity and good nature were not to be upset. Presently, Curran, in a towering rage, thundered forth, as no other counsel would have dared to do in the presence of the Court: "Sir, you are incorrigible! The truth is not to be got from you, for it

is not in you. I see the villain in your face ! ” “ Faith, yer honour,” replied the witness, with the utmost simplicity of truth and honesty, “ my face must be moighty clane and shinin’ indade, if it can reflect like that.”

For once in his life the great barrister was floored by a simple witness. He could not recover from that repartee, and the case went against him.

DUNNING, the celebrated barrister, was addicted to the low and unpardonable habit of turning witnesses into ridicule at their examination. One morning he was telling Lee—at that time Solicitor-General—that he had bought a few *good manors* in Devonshire, near his native village of Ashburton. “ I wish,” said Lee, “ you would bring some of them into Westminster Hall ; for, upon my honour, you have most need of them there.”

MR JUSTICE MATHEW, of the Queen’s Bench Division, did not give one an impression, at first sight, of being either a shrewd Londoner or a stern dispenser of the law of the land ; he might have been taken for a benevolent and simple country squire. At all events, some such impression evidently prevailed in the mind of a professional seller of painted sparrows who came up to Sir James one day in the neighbourhood of the Strand, and, showing him one of his birds, asked the learned judge’s opinion as to what species it might belong to. Sir James stopped, carefully examined the gaudy little creature, and then replied that he had not

seen a bird exactly like that one before, but, judging from the old proverb that "birds of a feather flock together," he should say that it was a *gaol bird*. The vendor waited for no further particulars, but instantly shuffled away.

CHIEF BARON KELLY in his old age was a little fidgety and impatient of inaccuracies. "Will you be good enough to give me the dates?" was a favourite request of his. "I have already given your lordship the material dates," counsel once answered somewhat rashly. "Then be good enough now to give me the immaterial ones," the Chief Baron replied, and progress until he got them became impossible.

BARON BRAMWELL was a conspicuous personality on the Bench. He it was who invented the well-known classification of perverters of the truth. "Liars, damned liars, and expert witnesses." At a later date he added a fourth class, "my brother Frederick," meaning, of course, Sir Frederick Bramwell, perhaps the best-known expert engineer witness of his day.

THE following story of Lord Brampton, better known as Sir Henry Hawkins, is a good instance of how a jury can be influenced by sympathy. It is related of him that when he was a Queen's Counsel he arrived at a county town for the assizes, and was handed a brief to defend a man charged with the brutal murder of his wife. Hawkins saw at a glance that it was an apparently hopeless case, so inquiring

of the solicitor for the defence how many children the poor woman had, and being told seven, ranging in age from three to twelve, he came to the conclusion that the only possible chance of an acquittal lay in working on the sympathy of the jury. He consequently instructed the solicitor to see that on the day of the trial the seven children should sit in court facing the jury, dressed in the deepest mourning, and provided with clean white pocket-handkerchiefs into which they were to sob violently all day. The trial took place, the children acted up to their instructions. Hawkins, in his speech, pointing to the seven sobbing children, dramatically asked the jury if by their verdict they intended to make these poor motherless children *orphans*, and so worked on their feelings that they acquitted the prisoner. On the following morning, Hawkins, taking his accustomed stroll before the opening of the court, met an old labourer, who greeted him with : " Ah ! Mister 'Orkins, that be a wonderful speech you made yesterday, but you wouldn't 'a' made it 'ad you seen the children in the morning." " Why ? " replied Hawkins. " What were they doing ? " " Well," said the old man, " they was all a-playin' on a dung 'eap, swinging a dead cat, and singing : ' This is the way poor daddy will go, poor daddy will go, poor daddy will go ! ' "

A BARRISTER was on one occasion arguing a bad point in the Court of Appeal on the ground of an " equity in the case, on which Lord Justice Bowen, who was one of the Court, remarked



with judicial gravity : “ When I hear of an ‘ equity ’ in a case like this, I am reminded of a blind man—in a dark room—looking for a black hat—which isn’t there ! ”

**BOWEN’S** after-dinner stories were invariably worth listening to, and remembering. One of his best was told by him in the following words. “ One of the ancient Rabbinical writers was engaged in compiling a history of the minor prophets ; and in due course it became his duty to record the history of the prophet Daniel. In speaking of the most striking incident in that great man’s career—I refer to his critical position in the den of lions—he made a remark which has always appeared to me replete with judgment and observation. He said that the prophet, notwithstanding the trying circumstances in which he was placed, had one consolation which has sometimes been forgotten. He had the consolation of knowing that when the dreadful banquet was over, at any rate it was not he who would be called upon to return thanks.”

**EDWARD BULLEN** once seriously disturbed the gravity of the Court of Appeal by reading to them the following paragraph from a pleading in an action for seduction :—“ The defendant denies that he is the father of the said twins, *or of either of them.*” This he apologetically explained was due to an accident in his pupil-room, but everyone recognised the style of the master-hand.

ASSIZE judges are noted for upholding the dignity of their position, but there was a memorable occasion at Bristol when the judge hardly acted up to that standard. It was at the time that the dynamite scare was raging, and those members of the Bench who had taken part in the resulting trials were under the protection of detectives. By some extraordinary accident, while the judges and the Bar were being entertained at dinner by the Lord Mayor of Bristol, the lights suddenly failed and the room was thrown into absolute darkness. It was stated that when candles were brought one of her Majesty's judges was seen emerging from beneath the table, where he had taken refuge from an expected attack by Fenians.

A YOUNG barrister afflicted with "stage-fright," in commencing his address to the jury, said : "Gentlemen—my unfortunate client—my unfortunate client," and again in a nervous tone repeated, "my unfortunate client," when the judge said : "Proceed, Mr James—so far the Court is with you."

A GOOD example of ready wit is recorded of Mr Hayes, when counsel, who afterwards became a judge. On the trial of a cause "*Woodcock v. Bird*," before Lord Chief Justice Jervis at Warwick, the Chief Justice remarked that "it was a pity two birds couldn't live in harmony." To which Mr Hayes replied : "Yes, it is, my lord : but my client complains of the length of the plaintiff's bill."



**I**N a case in which all the witnesses on both sides contradicted each other, the judge summed up as follows :—" Gentlemen of the Jury, in this case the counsel on both sides are unintelligible ; the witnesses are incredible ; and both the plaintiff and defendant are such bad characters that, to me, it is indifferent which way you give your verdict—gentlemen, consider your verdict."

**D**EAFNESS is one of the commonest excuses urged by jurors unwilling to serve. A juror having asked to be excused on that ground, the judge to test him put some question to him in an ordinary tone of voice, to which the juror replied. " You heard me ?" said the judge. " Yes, my lord," replied the juror, " but sometimes I do not, as I only hear one side." " Well," said the judge, " you may be excused, as it is necessary for a juryman to hear both sides."

**B**ARON BRAMWELL in a civil action once gave a very concise summing-up. The defendant's counsel closed his case without calling a witness whose coming had been expected. " Don't you call Mr Jones ?" said the judge significantly, at the close of counsel's address. " I do not, my lord," replied the advocate. The judge turned round to the jury and gave vent to a low and prolonged whistle. " *Whe-e-ew !*" he said, or rather whistled. " Gentlemen, consider your verdict."

CARTER, a popular Devonshire advocate, known in that county as Counsellor Carter, was a man who gloried in his unconventional language, and cared not what he said to the judges on the Bench. On one occasion he was defending a man at the assizes on the charge of obtaining money by false pretences. "False pretences!" said Carter, with fine scorn. "Why, we all make them every day!—barristers and solicitors and judges—the whole lot of us. Talk of the purity of the judicial ermine!" (*here he pointed derisively at the learned judge, who sat cowering on the Bench*)—"why, it's only rabbit skin!" Shouts of laughter greeted this irrelevant statement, which probably is correct.

CARTER and Lord Coleridge (the Chief Justice) were hardly congenial spirits when juniors at the Bar together, and this feeling of hostility was carried by Carter down to the time when young Bernard Coleridge made his first appearance on the Devon Sessions. Bernard Coleridge had been entrusted with his first prosecution, and Carter was defending in his usual energetic and rambling style. There was little to be said in favour of the prisoner, and his counsel was driven to discuss somewhat immaterial topics. Having addressed the Court for some time on Church Disestablishment, the price of bread, and the Game Laws, he next turned the stream of his eloquence on his youthful opponent. "Mr Coleridge is prosecuting this unhappy man!" said Carter to the jury, with indignation. "I remember his grandfather on these same

sessions ! Well—he's dead—and I won't say anything more about *him*. Then came his son, whom we all remember well enough, and they made him Lord Chief Justice ! Now here's another of 'em, *and they ain't done coming yet.*"

SIR HENRY HAWKINS had an inveterate objection to fresh air, and at one time had a sort of movable sentry-box constructed for his use in court in order to prevent the possibility of a draught. He once explained his preference for suffocation to chill on the ground that it was "a slower death."

MR FOOTE, the eminent K.C., tells of a man who was put into the dock accused of a very serious charge, and who answered to the not uncommon name of John Smith, as did another man on the calendar. When called upon to plead to the indictment, he earnestly protested that a mistake had been made. He was told that he would have an opportunity of addressing the jury later on, and in the meantime he must only say "Not Guilty," which he did. After he had made several futile attempts to interrupt counsel in the narration of his supposed iniquities, the prosecutrix was put into the witness-box, and asked to identify him, which she somewhat indignantly refused to do. Persuasion and encouragement proved unavailing, and the judge was ultimately compelled to direct a verdict of acquittal. "All I wanted to say, my lord," observed the prisoner meekly before leaving

the dock, "was that what I am really charged with *is stealing an umbrella!*"

MR JUSTICE DENMAN strongly disapproved of laughter in court ; on one occasion he was much provoked by some unseemly manifestation of mirth at Bodmin. There was an old man there, well known to habitués of the place, whose face was permanently distorted into a ghastly grin. Looking round for the offender, the judge saw this grotesque countenance leaning over the gallery. "You wicked old man," he said, in stentorian tones ; "I'll send you to prison !" The muscles of the supposed offender's face remained immovable : and the spectacle of this hideous grinning countenance looking down upon the indignant judge upset the whole court. He was eventually removed by two policemen, apparently laughing still, but he evidently felt that he had been treated with injustice.

PRISONERS as a rule are generally well advised to keep their mouths shut. A striking instance is the following. A man was being tried at the sessions for the offence of duck-stealing. His counsel addressed the jury for three-quarters of an hour, urging (1) that the prosecutor had never lost any ducks ; (2) that the ducks found in the prisoner's cottage were not the prosecutor's ducks ; (3) that the prisoner had established an alibi of the clearest possible character. Just as the chairman began to sum up, the prisoner asked if he might

say something, and as an indulgence he was permitted to have his way. "All I want to say, gentlemen, is just this: *I wish I'd never seen the b—y ducks.*"

IN a murder trial on the Midland Circuit, the real question left in doubt was the identity of the criminal. A common round hat had been found at the scene of the crime, and was said to have been worn by the prisoner. His counsel addressed the jury at great length upon the insufficiency of this evidence, and the hat was produced to them for their inspection. "An ordinary black bowler hat, gentlemen, such as most men wear—such as many of us wear ourselves! It is upon evidence of this flimsy description that you, gentlemen, are invited to pronounce the doom of a fellow-creature—to send to the scaffold," and so on. The jury were much impressed, and returned a verdict of "Not Guilty," and the prisoner was discharged. But he lingered awkwardly in the dock, and cast wistful glances around the court, as if something was still weighing upon his heart. The warder tapped him on the shoulder and intimated that another gentleman was waiting to take his place. Then at last he spoke, in a voice husky with emotion. "Beg pardon, your lordship, but—*can I 'ave my hat?*"

THE following curious paragraph appeared in a London newspaper in the year 1757. "The Hangman has been imprisoned for some days, for not doing his Duty properly at the Execution of

Damien. The Horses he made use of were certainly either too young, or too weak, and the Wretch suffered thereby a whole Hour longer than he was to have done. Although the Atrociousness of his Crime deserved all this, yet Torture when carried beyond a certain Degree, Humanity cannot bear the Sight of. Though a Horse was added to each Leg, which made six in all, they could not have quartered him, if the Executioner had not assisted by making Slashes with a large Knife.”

THE following quaint account of the execution of Mary Blandy on 6th August 1752, for the murder of her father, appeared in a newspaper of that time. “Miss Blandy was executed in the same black Pete Jai she was dressed in at her Trial, had on a black Pair of Gloves, and her Hands and Arms were tied with black Paduasoy Ribbons. On the Sunday Night she sent to the Sheriff, who, she was informed, was come to Town to be present at her Execution, and desired, that he would give her till Eight o’Clock the next Morning, and she would be ready as soon after as he pleased.

“On Sunday about Twelve o’Clock, she took the Sacrament, and signed a Declaration concerning the Crime for which she was to suffer; in which she denied knowing that the Powders she had administered to her Father had any poisonous Quality in them; and also made therein a Confession of her Faith, which she requested might be published after her Decease. Her Behaviour at the Gallows was becoming a Person in her unhappy Circumstances,



and drew not only great Compassion, but Tears, from most of the Spectators.

“ When she got up about five Steps of the Ladder, she said, ‘ Gentlemen, I beg you will not hang me high, for the Sake of Decency ’ ; and being desired to go a little higher, she did two Steps more ; and then turning herself on the Ladder, had a little Trembling and said, ‘ I am afraid I shall fall.’ After she had turned herself upon the Ladder, the Revd. Mr Swinton who attended her said, ‘ Ma’am, have you anything to say to the Publick ? ’ she said, ‘ Yes,’ and then made a Speech to the following Purport : ‘ that as she was then going to appear before a just God, she did not know that the Powders which were supposed to be the Cause of the Death of her dear Father, would have done him any Harm, therefore she was innocently the Cause of his Death ; and as she had been suspected to have poisoned her Mother, she declared that she never had been so much as innocently the Cause of either her Illness or her Death ’—and then desiring all present to pray for her, she pulled a white Handkerchief, which was tied round her head for that Purpose, over her Eyes, which not being low enough, a Person standing by stepped up the Ladder, and pulled farther down ; then giving the Signal, by holding out a little Book which she had in her Hand, she was turned off. Before she went out of the Gaol, she gave the Sheriff’s men, a Guinea to drink, and took two Guineas in her Hands with her, which she gave to the Executioner. Her Body was carried to a House near the place of Execution, and there put into a Coffin

lined with white Sattin ; in the Afternoon it was carried to Henly, and about One on Tuesday Morning—according to her own Desire, was deposited in the Church there, between her Father and Mother. On the Plate of her Coffin was only *M. Blandy, 1752*. Notwithstanding the Hour, there was the greatest Concourse of People ever seen on such an Occasion.”

COMMISSIONER KERR’S pet theory against giving credit once furnished occasion for a most amusing incident. One day a plaintiff was seeking to recover thirteen pounds odd for milk supplied. The Commissioner said to the milkman : “I thought everyone paid for his pennyworth of milk each day as it was delivered.” “Oh no, they don’t, your honour,” replied the milkman. “I serve your honour’s house with milk, and they have not paid me for two months.” “Well,” said the Commissioner, “you will not supply me any more ; you will be watering my milk to make up for this thirteen pounds you are going to lose.”

ON one occasion a terribly verbose barrister discovered that one of the jury trying the case was fast asleep. He forthwith soundly rated those who were still awake for taking so little interest in the case. Commissioner Kerr interposed with : “Ye just remind me of a meenester in Ayrshire, who was lecturing his congregation for not coming to kirk, and remarked : ‘Those of ye who do come are asleep, bar the village idiot,’ when a voice said : ‘If I’d nae been an idiot I had been asleep too.’”



THE same learned Commissioner, though often jocular at the expense of others, could appreciate and enjoy a good repartee, even at his own expense. Thus, on one occasion, an advocate with a beard and moustache (which he then hated) appeared before him. "How can I hear you, sir, if you cover up your muzzle like a terrier dog?" he asked. "Well, I'd rather be an English terrier than a Scotch *cur*," was the reply. The Commissioner chuckled and merely remarked: "Get on."

AT the autumn assizes on the Munster Circuit, in 1766, a man named Patrick Redmond was indicted for burglary. He was found guilty, sentenced to death and hanged on the 10th of September at Gallows Green, the usual place of execution at Cork. He was cut down after hanging exactly nine minutes, and an actor named Glover, who was then performing on the Cork stage, by means of friction and fumigation succeeded in restoring animation, and ere long Patrick Redmond was able to walk as if nothing had happened to him. Possibly the ill-advised attention of his friends prevailed on him to drink more than he ought, for ere nightfall he got drunk, and went to the theatre to return thanks to Glover for saving his life. The frequenters at the theatre, on beholding the appearance of a man in the evening whom many had seen hanged in the morning, were naturally considerably alarmed, and women fainted, and a terrible scene of confusion took place. It is not stated that he was retaken, and he is reported to have

been "the third tailor who had outlived hanging during two years."

A GOOD story is told of Purcell O'Gorman, an Irish barrister. At the Bar mess on the Munster Circuit, on one occasion, all the members who could sing had been called upon, and duly obliged ; but when Mr Nicholas Purcell O'Gorman, who had long been associated with O'Connell in all his efforts to gain Catholic emancipation, was called on for a song, he stoutly declared "he knew nothing of music of any sort." "I think you are forgetting, Purcell," remarked a witty barrister at the table. "Forgetting what?" "That you can play sometimes." "Put him on his trial," said Father Lync. Thereupon the Bar mess prosecutor for the circuit impanelled a jury, to try whether the prisoner at the bar ever played upon any instrument whatever. The witness deposed "that on a stated day, in the hall of the Catholic Association in Dublin, he saw and heard the prisoner publicly playing *second fiddle to Daniel O'Connell*." The usual fine followed.

MR JUSTICE WILLES knew how to convey a rebuke in a delicate and refined manner. Thus once on circuit a young barrister, counsel for the prosecution in a criminal case, who was breaking down, and feeling he was getting deeper and deeper into the mire, wished to get out of his trouble by putting it on the judge, and said to him: "I will throw myself upon your lordship's hands." "Mr Blank," said the learned judge, "I decline the burden."

A WITTY judge being once asked "what was the use of the javelin-men who accompanied him to the court on circuit replied : " I suppose they are to help me *to charge the Grand Jury.*"

SOME amusing accounts of idle law students were given by Lord Chief Justice Whiteside. One of the students being entrusted by his preceptor, who had written a book of practice, with compiling the index, did it somewhat after this fashion : " GREAT MIND, *vide* LORD ELLENBOROUGH. LORD ELLENBOROUGH, p. 66." On looking for Lord Ellenborough, p. 66, the reference to " Great Mind " was : " Lord Ellenborough said he had *a great mind to nonsuit the plaintiff.*"

IT is related that Judge Ball was so much annoyed by the noise of a mill wheel close to the court-house of Cork that he peremptorily ordered the miller to cease his work while he was engaged in disposing of the business of the assizes. This was accordingly done, but, as the judge did not inform the miller when he might resume his grinding operations, the miller remained some months idle, and threatened the judge with an action for loss and damage sustained ; however a liberal compensation atoned for the judge's forgetfulness.

LORD NORBURY, like other judges, often met with a response which he did not expect. One day when riding with a barrister named Parsons they passed an untenanted gibbet, and the Chief

Justice, turning to his companion, asked : " If that gallows had its due, Parsons, where would you be ? " " Riding by myself, my lord," was the prompt reply.

PROFESSOR BARRY once amused Judge Ball by an application on behalf of a man who was a dealer in horses and sugar sticks. The incongruity of his avocations struck the judge, who remarked : " What a strange combination of trades ! " " I see a close resemblance between horses and sugar sticks," said the witty barrister. " In what way ? " inquired his lordship. " The more you lick them the faster they go," was the reply.

IN cases of seduction and *crim. con.* it is usual for ladies to be called upon to leave the court. On one occasion the crier having called upon them to leave in the following words : " Ladies and boys will now leave the court," the bulk of the petticoated spectators remained in their seats. In stating the facts, the prosecuting counsel, seeing ladies in court, and not wishing to wound their sense of delicacy, hesitated for words in which to wrap up the necessary grossness of the details. " Brother," said the judge, " as all the modest women have left the court, you may call things by their proper names." Then followed a great fluttering, and in five minutes the fair sex had left the court.

A PRISONER having been convicted of a very serious crime, and being "called upon" in the usual manner before sentence was passed, said: "May Heaven strike me dead, my lord, if I know anything about it." There was perfect silence in court for the space of nearly a minute, everyone looking at the judge and wondering what was to come next. At last came this startling address: "Prisoner at the bar, since Providence has not seen fit to interfere, you will go into penal servitude for fifteen years."

A BARRISTER whom Curran very much esteemed for many good qualities, among others for a fine temper and good nature, dining with him, was asked to be helped to some gooseberries and cream. He said he liked them very much, but feared he might be called, as Dr Goldsmith was, a gooseberry fool. Mr Curran said: "Take the gooseberries, my friend, and the milk of human kindness which so abundantly flows round your heart will soon make a *fool* of them."

THE following summing-up was once delivered by Lord Norbury when charging the jury in an action brought by Guthrie *versus* Sterne, to recover damages for *crim. con.* with the plaintiff's wife. "Gentlemen of the Jury, the defendant in this case is Henry William Godfrey Baker Sterne—and there, Gentlemen of the Jury, you have him from stem to Sterne! I am free to observe, gentlemen, that if this Mr Henry William Godfrey Baker Sterne had

as many Christian virtues as he has Christian names, we never should see the honest gentlemen figuring here as defendant in an action for *crim. con.*”

IT is told of Lord Norbury that when passing sentence of death on a man convicted of stealing a watch he said to the prisoner: “My good fellow, you made a grasp at *Time*—but, egad ! you caught *Eternity*.”

WHEN they were burying Lord Norbury, the grave was so deep that the ropes by which they were letting down the coffin did not reach the bottom of it. The coffin remained hanging half way down, while somebody was sent for more rope. “Ay,” cried a butcher’s ’prentice, “give him rope enough—don’t stint him ! He was the boy that never grudged rope to a poor body.”

IT is told of Judge Boyd that he was so fond of brandy that he always kept a supply of it in court upon the desk before him, in an inkstand of peculiar make. His lordship used to lean his arm upon the desk, bob down his head, and steal a hurried sip from time to time, through a quill that lay among the pens, which manœuvre he flattered himself escaped observation. One day it was sought by counsel to convict a witness of having been intoxicated at the period to which his evidence referred ; Mr Grady laboured hard, upon the other hand, to show that the man had been sober. “Come now, my good man,” said Judge Boyd, “it is a very



important consideration—tell the court truly, were you drunk or were you sober upon that occasion ? ”

“ Oh ! quite sober, my lord ! ” broke in Grady, with a very significant look at the inkstand, “ as sober—as a judge.”

O’CONNELL experienced a unique instance of a client’s gratitude. He had obtained an acquittal for him, and the man, in the ecstasy of his joy, exclaimed : “ Ugh ! counsellor, I’ve no way *here* to show your honour my gratitude ; but *I wisht I saw you knocked down in my own parish*, and maybe I wouldn’t bring a faction to the rescue ! ”

THE following pun was made by an Irish attorney. An old gentlemen accused his servant, among other thefts, of having stolen his stick. The servant protested perfect innocence. “ Why, you know,” rejoined the complainant, “ the stick could never have walked off by itself.” “ Certainly not,” said the attorney for the defence, “ unless it was a *walking* stick.”

PARSONS, the well-known barrister, hated the whole tribe of attorneys ; one day in the hall of the Four Courts in Dublin an attorney came up to him to beg his subscription towards burying a brother attorney, who had died in distressed circumstances. Parsons took out a pound note. “ Oh ! Mr Parsons,” said the applicant, “ I do not want so much : I only ask a shilling from each contributor.” “ Oh, take it, take it,” replied Parsons. “ I would

most willingly subscribe money any day to put an attorney underground ? ” “ But really, Mr Parsons, I have limited myself to a shilling from each person.” “ For pity’s sake,” replied Parsons, “ my good man, take the pound *and bury twenty of them !* ”

DAN O’CONNELL said that one of the most extraordinary things he remembered in his experiences at the Bar was Judge Foster’s charging the jury for an acquittal of a homicide named Denis Halligan who was tried with four others at the Limerick Assizes, many years ago. Foster totally mistook the evidence of the principal witness for the prosecution. The offence charged was one of aggravated manslaughter. The first four prisoners were shown to have been criminally abetting, but the fifth, Denis Halligan, was proved to have inflicted the fatal blow. The evidence of the principal witness against him was given in these words : “ I saw Denis Halligan, my lard (he that’s in the dock there), take a *vacancy*<sup>1</sup> at the poor sowl that’s kilt, and give him a wipe with a *cleh alpeen*,<sup>2</sup> and lay him down as quiet as a child.” The judge charged against the first four prisoners, and sentenced them to seven years’ imprisonment each ; then proceeding to the fifth prisoner—the rascal who really committed the homicide—he addressed him thus : “ Denis Halligan, I have purposely reserved the consideration of your case for the last. Your crime, as being a participator in the affray, is doubtless of

<sup>1</sup> *i.e.* Take a shy at him.

<sup>2</sup> *i.e.* A bludgeon.



a very grievous nature ; yet I cannot avoid taking into consideration the mitigating circumstances that attend it. By the evidence of the witness, it clearly appears that *you* were the only one of the party who showed any mercy to the unfortunate deceased ; you took him to a *vacant seat*, and you wiped him with a *clean napkin*, and (to use the affecting and poetical language of the witness) you laid him down with the gentleness one shows to a little child. In consideration of these circumstances, which considerably mitigate your offence, the only punishment I shall inflict on you is an imprisonment of three weeks' duration." So Denis Halligan got off, from the judge mistaking a *vacancy*, and a *cleh alpeen*, for a *vacant seat*, and a *clean napkin* !

WHEN Lord Eldon was Attorney-General he prosecuted in an ingenious case of smuggling. A person at Dover smuggled three thousand pairs of French gloves. He sent all the right-hand gloves to London. They were seized and sold. Nobody would buy right-hand gloves who had not the left-hand ones as well. The smuggler, therefore, bought them for a mere trifle. Having purchased the right-hand gloves, he then sent the three thousand left-hand gloves to London. They were also seized and sold, and of course bought by him for a nominal price. Thus he became possessed of them, though contraband according to law, and, as a smuggler would say, in an honest way.

MR JUSTICE HAWKINS once when on circuit complained in his charge to the Grand Jury at Aylesbury of the miserable conditions of the lodgings assigned to her Majesty's judges in that town. "My rest, gentlemen," he said, "has been rudely disturbed by the lodgings assigned to me. My bedroom was hardly accessible on account of what appeared to be a dense fog, which was difficult to struggle through. I sought refuge in the dressing-room. Being a bitterly cold night, and a very draughty room, someone had lighted a fire in it, but unfortunately all the smoke came down the chimney after going up a little way, bringing down as much soot as it could manage to lay hold of. All this is the fault of the antiquated chimneys and ill-contrived building generally. My marshal was the subject of equal discomfort ; and I think I may congratulate you, gentlemen, not only on there being very few prisoners, but also on the fact that you are not holding an inquest on our bodies."

"That's a nice 'un," said one of the javelin-men at the door when a friend of his came out. "Did you 'ear that, Jimmy ? Orkins is a nice un to talk about lodgings. Let him look at his own cirkit—the 'Ome Cirkit—where my brother told me as at a trial at Guildford the tenant of that there 'ouse wouldn't pay his rent. For why ? Because they was so pestered wi' wermin. And what do you think Orkins tells the jury ?—he was counsel for the tenant. 'Why,' he says, 'gentlemen, you heard what one of the witnesses said, how that the fleas was so outrageous that they aekshally stood on the backs of the 'all chairs and barked at 'em as they come in !' That's Orkins on

his own cirkit—and 'ere he's finding fault with our lodgings."

ON one occasion Mr Justice Hawkins and Mr Justice Lawrance were the judges on circuit together at some county assizes. Hawkins, tempted by the fine weather, went for a rather longer stroll than usual after breakfast. Whilst out, he saw the high sheriff's carriage coming along to take him to the assizes, it having had to come a distance of three miles. The carriage, with the sheriff inside, passed the judge, but the sheriff did not recognise him out of his robes. Hawkins arrived at the court about half-an-hour late that morning, and at lunch Lawrance said to him: "There's a serious complaint against you." Hawkins asking what was the nature of it, Lawrance replied: "The high sheriff made a remark about it being a great pity that you were always late, and he begged me to say it was a matter of importance in the performance of his duties to be punctual." "What did you say to him?" asked Hawkins. "It was a little impertinent to give orders to the judge." "I said: 'Before you accuse him of want of punctuality, wait till *four o'clock*, and you'll see how punctual he is—that is to say, in London.'"

AN amusing story is told of a barrister on the Midland Circuit at Leicester. As the coach was about starting after breakfast, he approached the landlady (a pretty Quakeress), who was seated behind the bar, and said he could not think of going without giving her a kiss. "Friend," said she, "thee must

not do it ! ” “ Oh ! but by heavens I will ! ” replied the barrister. “ Well, friend, as thou hast sworn, thee may do it, but thee must not make a practice of it.”

A JUDGE and barrister being upon bad terms, a client of the barrister’s making his appearance in the witness box with his face and jaw terribly swollen, the judge remarked to the barrister : “ This client of yours would make an excellent barrister—he’s all *jaw*.” A laugh followed, and on silence being restored the barrister remarked : “ My lord, I think he would make a better judge, for his *jaw is all on one side*.”

L ORD NORBURY pronounced the following sentence upon a convicted prisoner in Dublin, who had committed some trifling offence. “ The sentence of the court is, that you shall be flogged from the Bank to the Quay.” The prisoner hastily interrupted the judge saying : “ Thank you, my lord ; you have done your worst,” to which the judge replied : “ No—*and back again*.”

A T a meeting of the Privy Council held before the Queen’s arrival at Dublin, the Attorney-General—who was anxious for promotion to the Bench—inquired after the health of a distinguished judge who had been ailing for some days. “ Mr Attorney,” was the humorous reply, “ *I am in horribly good health*.”

A N Irish lawyer on a certain occasion addressed the Court as “ *Gentlemen* ” instead of “ Your Honours.” After he had concluded, a brother barrister

pointed out to him his error. He immediately arose, and apologised thus : “ May it please the Court, in the hate of my argument I called your honours *gentlemen*—I made a mistake, your honours.” History does not record if the Court was satisfied with the explanation.

LORD BRAXFIELD, a Scotch judge, once said to an eloquent culprit at the Bar : “ You’re a vera clever chiel, mon, but I’m thinking ye wad be nane the waur o’ a hanging ! ”

A JUDGE of the High Court having fallen asleep on the Bench during a trial, continued his nap until its conclusion ; when, on being asked his opinion, he rubbed his eyes, and called out : “ Hang him, hang him,” but on being informed that the matter at issue was not a man, but a meadow, “ Well then,” says he, “ *mow it, mow it !* ”

HATTON once gave utterance to a capital pun. In a case concerning the limits of certain land, the counsel on one side having remarked with explanatory emphasis : “ We lie on this side, my lord,” and the counsel on the other side having interposed with equal vehemence : “ We lie on this side, my lord,” the Lord Chancellor leaned backwards and dryly observed : “ If you lie on both sides, whom am I to believe ? ”

DURING the progress of a case in the Cheltenham County Court a learned counsel objected to a young man who was giving evidence being asked if he knew his own age. “ No man could know his own

age," said he, "and hence any statement on the subject must be hearsay evidence and go for nothing." In fact, to use other words, counsel's objection was that although it is true that every man must be present at his own birth, it is equally true that he would be too young to recollect the circumstance. The novelty of the objection tickled the fancy of everyone present who appreciated the joke. The judge permitted the question to be put to the young man in another shape—namely, "as to what age he believed himself to be."

ONE day Jekyll observed a squirrel in Colman's chambers in the usual round cage, performing the same operation as a man on the treadmill, and gazing intently at it for a moment exclaimed: "Ah! poor devil, he's going the Home Circuit."

MR JUSTICE KENNEDY, immediately after his elevation to the Bench, was confronted with an emergency that was so exceptional as to have daunted the most experienced of judges. His lordship had to try a murder case at the Northampton Assizes, and in the middle of the trial a juryman escaped from the sheriff's custody, and was absent, roaming about at his own sweet will, during the luncheon interval. What was to be done? Mr Justice Kennedy hesitated for a moment, fined the absent juryman fifty pounds, and then adjourned the trial in order that he might hasten to London, and consult the Lord Chief Justice. As a result of this consultation it was decided that the trial must be begun again *de novo*.



**A**N amusing story is told of a young barrister, who has since risen to a high position, who was certainly unfortunate in the conduct of his first case. He had, and has never lost, a vast estimation of himself. To his first witness he lisped : “ You are a butchah, aren’t you ? ” “ No, sir,” came the sullen reply. The young barrister carefully consulted his brief : “ Then you are a bakah, aren’t you ? ” “ No, sir.” The Court tittered, much to the annoyance of the young man. “ Really,” he said, “ it doesn’t matter a damn what you are ! ”

**M**R JUSTICE DARLING once pulled up a cross-examining counsel with the following remark :—“ Do you know you have said the same thing so often that you make me think I am back again in the House of Commons.”

**H**AWKINS told a good tale against himself. One morning during the Tichborne Trial, in which Hawkins held a brief for the prosecution, as the Claimant came into court a lady clad in deep mourning presented Orton with a tract. After a few minutes the Claimant wrote something on the tract, and before long it was passed on to Hawkins. The tract was boldly headed in great black type, “ Sinner—Repent ! ” and the Claimant had written upon it, “ Surely this must have been meant for Hawkins.”

MR JUSTICE CHITTY was one of the most amiable judges, and his wit was seldom calculated to hurt his hearers. On one occasion the ceiling of his court fell down with a crash, on which he promptly exclaimed : “ *Fiat justitia, ruat cælum !* ”

AN Irish American about to be tried for a very brutal murder managed to have a hurried word with the foreman of the jury who were about to try him. “ Bedad ! ” said he, “ if ye manage to bring in a verdict of ‘ manslaughter ’ there’s a thousand-dollar note for ye.” The case proceeded, the judge summed up, and the jury retired. After an absence of four hours they returned, with a verdict of manslaughter. The judge, characterising the crime as being little short of murder, sentenced the prisoner to twenty years in the State Penitentiary. “ How did ye manage it ? ” asked the prisoner, as the foreman of the jury passed the dock going out of court. “ Och ! faith, bedad ! I’d all the throuble in the world : *they were all for acquittin’ yer altogether !* ”

AT the Salisbury Assizes a well-known thief, who had been stealing his neighbour’s goods, was tried, and, the case being too palpable to admit of the shadow of a doubt, found guilty. The judge was about to pass sentence ; the prisoner’s counsel, seeming to feel that as long as there was a chance of helping his client he was bound to do his utmost, unobserved, at once went behind the dock, and putting his hands to the sides of his mouth whispered to the prisoner as loud as he safely could : “ Why don’t you cry, you



fool ! Be quick ; you'll save a month at least." The prisoner, who before this was standing as unmoved as a statue, immediately took the hint, rubbed his eyes with his knuckles, and for a moment seemed overcome by a sense of the degraded situation in which he stood. The dodge answered. " I trust," said his lordship, " that the sense of shame which you now feel will prevent you from appearing again in such a situation in a court of justice ; and in that hope I am induced to pass upon you a much lighter sentence than I should otherwise do, which is that you be imprisoned for the space of one calendar month."

**I**N an assize court a barrister once addressed a jury in the following manner :—" I smell a rat ; I see it brewing in the storm ; and with assistance, Gentlemen of the Jury, I shall nip it in the bud."

**J**OHNNY WILLIAMS, afterwards Mr Justice Williams, was much given to the use of strong expletives. Upon the trial of a prisoner on a capital charge he had been induced by the urgency of the solicitor, although against his own opinion, to ask a question, the answer to which convicted his client. Turning to the solicitor he said, emphasising every word with strong additions : " Go home, cut your throat, and *when* you meet your client in hell beg his pardon."

**A**N amusing incident occurred in a fire insurance case in which Serjeant Ballantine was briefed. The fire had broken out after midnight, and a gentleman saw and reported it ; but when the question arose of calling him as a witness he protested against being called, as it would inform some inquisitive connections where he was on that morning, which, for some reason, he had a very strong objection to. It occurred to Ballantine that his evidence might be admitted, and he sounded Lush (afterwards Lord Justice Lush) on the subject—he representing the Insurance Company ; he then learned that there was a witness in his brief who had a similar objection, and so they both agreed that the two should pair off together, and thus neither of them were called, and possibly much inconvenience was prevented in two domestic circles.

**L**ORD JUSTICE WILMOT gave an account one evening of a curious case which he tried, in which an innkeeper at Warwick was accused of having poisoned some of his customers with port wine. The indictment was quashed by the impudence of the prisoner, who absolutely proved that there had never been a drop of port wine in the hogshead.

**A**N awkward affair happened once to one of the judges on the Western Circuit. It appears that the learned judge, having finished his labours and cast off his wig at his lodgings, had retired into the next room to wait for his brother judge, whom he was about to accompany to some of the local aristocracy

to dinner. The female servant of the house had entered the bedroom by a side door, and not knowing the judge was in the next room arrayed herself in the judge's wig. Just at the moment when she was admiring herself in the looking-glass, the judge unexpectedly entered the room, and she, catching sight of the stern countenance looking over her shoulder, was so alarmed that she fainted, and would have fallen on the ground if the learned judge had not caught her in his arms. At this critical moment his brother judge arrived, and opening the dressing-room door, with a view to seeing if he was ready, discovered his learned brother with the fainting maid in his arms. Not wishing to interrupt what he thought to be an amour, he quickly attempted to withdraw, when his brother judge vociferated : " For God's sake, stop and hear this matter explained." " Never mind, my dear brother," was the response : " the matter explains itself," and he left his learned brother to recover the fainting maid as he could.

**J**OHAN BOWLEY, a well-known Nottingham lawyer, once appeared as a witness before Baron Alderson. An attempt had been made in cross-examination to show he was mixed up in some not very creditable transactions, but this failing, the judge, on the witness being about to retire, said : " Mr Bowley, you go out of the court with clean hands." " I wish I did, my lord," exclaimed Bowley. " They are devilish dirty ones—look here," holding them up to view. And black enough they were, for while he was giving evidence he had dipped

them in inkstands that stood on each side, forgetting in the excitement of the moment he had done so.

AT Warwick a man was placed on his trial before Mr Justice Patteson charged with stealing various articles of female underclothing. On account of his deafness the witnesses, when giving their evidence, were placed by his side. On that occasion certain articles, such as chemises, drawers, flannels, etc., were produced and spread on a table. A lady was called to identify the same. Gently touching them with her gloved hand she said : " Yes, my lord ; they are my property," " You identify them, dear madam," said the judge, " but they are not your property." " Yes, my lord, they are." " No, no ; you wear them, and you know them, but those chemises are your husband's." " My husband's, my lord ?" said the lady, with an indignant look. " No, my lord ; my husband doesn't wear such things ; they are mine." " No, no ; nonsense, my dear lady. I know you wear them, but they are your husband's." " They are not, my lord ; they are mine." " No, no ; I tell you they are your husband's ; but it's no use talking, women won't understand these things."

MR JUSTICE PATTESON suffered from deafness, which on one occasion created what was at least an awkward incident in court. In an action for assault, a man was called for the defence, to prove in mitigation words which went to annoy

the defendant. In giving his evidence he stated the plaintiff had said to the defendant: "Damn your eyes!" The witness being of rather a timid temperament, and not wishing to give these words out loudly in court, bent his mouth down to the judge's ear, to whisper them to him. Like most deaf persons, Mr Justice Patteson did not like to be reminded of his failing, consequently, when the witness pressed towards his lordship, he exclaimed: "Don't put your nasty mouth to my ear, but speak up." The witness, still bending a little and mincing his words, repeated in a low tone, "He said, 'Damn your eyes!'" The judge at last so frightened him by saying he would commit him if he did not speak up that the man without any preface bawled out at the top of his voice: "DAMN YOUR EYES!" which had the appearance as though he was swearing at his lordship. Patteson's face flushed up very much, but he said nothing.

AN amusing story is told of Lord Chief Baron Pollock. One day, at the Old Bailey, the Recorder of London, in presenting the Lord Mayor to him, which he did in bombastic and inflated language, described his early education and struggles, his poverty, industry, perseverance and ultimate wealth. He said: "My lord, he became an orphan when a young boy, and suffered indeed great poverty; but by his energy and perseverance he has now become one of our city nobles." Pollock listened apparently with the greatest interest to the story of so much greatness, and presently asked: "What

is the difference between his former circumstances and the present ? ” The city noble looked, but could not answer ; even the learned Recorder was puzzled to give a definition of the different condition of things. Then the Lord Chief Baron, with the smile that characterised him, said : “ I will tell you the difference ; it is merely a matter of degree. In youth he was a poor orphan, and now he is a *better-off* ’un.”

SOMEONE once asked Sir Henry Hawkins at dinner what was the greatest amount of damages he ever obtained in a *nisi prius* verdict. The judge looked and said : “ It depends upon circumstances.” The company looked puzzled at the answer. “ Damages,” said the questioner. “ Do you mean *nominal* value or *actual* ? ” “ Actual.” “ Well, then,” he replied, “ *half-a-farthing*. I’ll tell you. There was in our Gracious Majesty’s reign a coinage of *half-a-farthing*. It was soon discontinued as useless, but while it was current as coin of the realm I had the honour of obtaining a verdict of that amount. I need not say, had it been paid in *specie* and preserved, it would in value more than equal at the present time, any verdict at *nisi prius* I ever obtained.

A POOR woman was tried before Hawkins in a circuit town for murdering her babe. The woman, oppressed with a sense of shame, determined to drown her week-old child and herself at the same time. The water, however, was not deep



enough to drown her ; she was accordingly put upon her trial for murder, and was eventually convicted. Hawkins was about to pronounce the inevitable sentence of death—much against his will—when the pompous old high sheriff, all importance and dignity, said : “ My lord, are you not going to put on the black cap ? ” “ No,” replied the judge. “ I’m not. I do not intend the poor creature to be hanged, and I am not going to *frighten her to death*.” Addressing her by name he said : “ Don’t pay any attention to what I am going to read. No harm will be done to you. I am sure you did not know in your great sorrow and trouble what you were doing, and I will take care to represent your case so that nothing will harm you in the way of punishment.” He then mumbled over the words of the death sentence so that the poor woman shouldn’t hear them.

O’CONNELL appeared on one occasion as counsel for the plaintiff in an action brought for the diversion of a stream whereby the mill of the plaintiff was deprived of its requisite supply of water for milling purposes. The plaintiff’s solicitor, a rosy-faced, red-nosed *bon-vivant*, had a very great reputation for taking what was called “ a big drink,” and when addressing the jury on the wrongs of his much-injured client, O’Connell could not avoid a joke on his solicitor. “ Gentlemen of the Jury,” he continued, “ I can hardly describe how completely the defendant has intercepted this stream, which for a long series of years, as we will demonstrate, has flowed, and still ought to flow, to turn my client’s



mill. I can most positively assert he has so entirely diverted this stream that there does not now flow in the old channel as much water as would make *grog for Forgarty.*"

ONE of the officers of the Court of Common Pleas in Dublin had a remarkable face. It was shaped like a hatchet, but the nose had a sharpness of outline that was strikingly apparent. One rough March day, Chief Justice Doherty was alighting from his carriage at the entrance to the Four Courts as this official came puffing and blowing from the effects of the gale. "You seem quite out of breath," said the Chief Justice, as he shook hands with him. "Yes," replied the other, "as I came along the Quays the wind was cutting my face," "Upon my word," gravely replied the Chief Justice, "I think *the wind had the worst of it.*"

CALCRAFT, the hangman, was accustomed to present himself after dinner on the last day of the sessions at the Old Bailey. Upon his appearance he was presented with a glass of wine. This he drank to the health of his patrons, and expressed, with becoming modesty, his gratitude for past favours and his hopes for *favours to come.*

MR JUSTICE HAWKINS almost invariably refused applications made for the convenience of counsel, their clients or witnesses. However, on one occasion he allowed a witness to go—and then only for the sake of a joke. Counsel applied on the

ground that the witness was an actor, and had to play in the provinces that night. "Where does he want to go?" asked the judge. "To Coventry, my lord." "*Let him go,*" was the laconic reply.

**SIR GEORGE JESSEL**, Master of the Rolls, was one day having a point pressed upon him by a barrister named Oswald, who cited words in support of his point from a reported judgment of the Master of the Rolls. "Mr Oswald," interposed Jessel, "I could not have been such a fool as to have said that!" "Oh yes, my lord," retorted Oswald; "you were, my lord; you were!"

**A BRIGHT** repartee has been attributed to the same counsel, Oswald. A judge, who was himself not over refined, said to him one day: "I may teach you law, Mr Oswald, but I cannot teach you manners." "No, my lord," was the quick rejoinder; "I know you can't."

**L ORD BRAMWELL**, who had a great dislike to a certain distinguished statesman, and a still greater aversion to his wife, was informed that, after a very eloquent speech in the House of Commons, the legislator in question, on going home, was warmly received by his wife, who threw her arms round his neck, and kissed him twice. "Served him right," was the old lawyer's prompt reply.

**A**N opulent farmer applied to an attorney about a law-suit, but he was told that he could not undertake it, being already engaged on the other side ; at the same time he said he would give him a letter of recommendation to a professional friend, which he did, and the farmer out of curiosity opened it, and read as follows :—

“ Here are two fat wethers fallen out together,  
If you'll fleece one, I'll fleece the other,  
And make 'em agree like brother and brother.”

The perusal of this epistle cured both parties and terminated the dispute.

**D**OYLE and Yelverton, two eminent members of the Irish Bar, once quarrelled so violently that from words they came to blows. The former, the more powerful man, knocked down his adversary twice, exclaiming with much vehemence : “ You scoundrel, I'll make you behave yourself like a gentleman ! ” To which Yelverton, rising, answered with equal vehemence : “ No, never ! I defy you ! You can't do it ! ”

**I**T is related of Lord Eskgrove that he had to condemn two or three persons to death who had broken into a house at Luss, and assaulted Sir James Colquhoun and others, and robbed them of a large sum of money. He first, as was his almost constant practice, explained the nature of the various crimes, assault, robbery and hamesucken—of which last he gave them the etymology ; and he

then reminded them that they attacked the house, and the persons within it, and robbed them, and then came to this climax, "All this you did ; and, God preserve us ! *joost when they were sitten doon to their dinner !*"

THE same judge, Eskgrove, rarely failed to signalise himself in pronouncing sentences of death. It was almost a matter of style with him to console the prisoner by assuring him that, "Whatever your religious persuasion may be, or even if, as I suppose, you be of no persuasion at all, there are plenty of reverend gentlemen who will be most happy for to show you the way to yeternal life."

IN the trial of Glengarry for murder in a duel, a lady of great beauty was called as a witness. She came into court veiled. But before administering the oath Eskgrove gave her the following exposition of her duty :—"Young woman, you will now consider yourself as in the presence of Almighty God, and of this High Court. Lift up your veil, throw off all modesty and look me in the face."

ONE evening at dinner at Balliol, the master's guests were discussing the careers of two Balliol men, one of whom had just been made a judge, and the other a bishop. "Oh," said Henry Smith, "I think the bishop is the greater man. A judge at the most can only say : ' You be hanged,' but a bishop can say : ' You be damned.' " "Yes," twittered the master ; "but if the judge says : ' You be hanged,' you *are* hanged."

**L**ORD BRAXFIELD had a butler who desired to leave because his lordship's wife was always scolding him. "Lord!" he exclaimed, "ye've little to complain o'; ye may be thankfu' ye're no married to her."

**L**ORD ESKGROVE was a decidedly mean man. Nothing disturbed him so much as the expense of the public dinner for which the judge on the circuit has a fixed allowance, and out of which the less he spends the more he gains. His devices for economy were often very diverting. His servant had strict orders to check the bottles of wine by laying aside the corks. His lordship once went behind the screen at Stirling, while the company was still at table, and seeing an alarming row of corks got into a warm altercation, which everybody overheard, with John; maintaining it to be impossible that they could have drunk so much. On being assured that they had, and were still going on. "Well, then, John, I must just protect myself." On which he put a handful of the corks into his pocket, and resumed his seat.

**A** WELL-KNOWN solicitor had a call from a butcher who asked him whether, in the event of a dog carrying off a piece of meat from his shop, he was not entitled to claim the value from its owner. On the lawyer replying in the affirmative, the butcher said: "Then, sir, you must pay me five shillings and sixpence, for your own dog was the culprit!" On this the man of law rang the bell

for one of his clerks, whom he instructed to make out the following bill :—

To giving a legal opinion to Mr		
Johnston, butcher . . . . .	£0	10 6
Deduct value of piece of meat . . . . .	0	5 6
	<u>£0</u>	<u>5 0</u>

Quickly handing the account to the butcher, he said: “You will observe that you owe me five shillings.”

A SCOTCHWOMAN from the country applied to a respectable solicitor for advice. After detailing all the circumstances of the case, she was asked if she had stated the facts exactly as they had occurred. “Ou ay, sir,” rejoined the applicant; “I thought it best to tell you the plain truth; you can put the lees till’t yoursel’.”

HENRY ERSKINE once happened to be counsel for a lady rejoicing in the name of Tickle. In addressing the Court he thus began, “Tickle, my client, the defendant, my lord——” “Tickle her yersel’, Harry,” interposed his lordship. “Ye’re as weel able to do it as I am.”

CHARLES ERSKINE, afterwards Lord Justice Clerk, was in his younger days a teacher of Latin in the University of Edinburgh. On one occasion, after his elevation to the Bench, a young



advocate, in arguing a case before him, used a false Latin quantity, whereupon his lordship good-naturedly said : " Are you sure, sir, you are correct in your quantity ? " The young counsel was nettled by the question, and petulantly retorted : " My lord, I never was a schoolmaster." " No," replied the judge ; " nor, I think, a scholar either."

JAMES MACKNIGHT, a well-known Writer to the Signet, once unexpectedly found himself called upon to return thanks for the Navy at a public dinner. After some highly humorous remarks he said, in a very serious strain, that he was at first very much at a loss to understand why he, a lawyer, should have been called upon to respond to such an honourable toast ; but after a little reflection he was pleased to remember that he was " the fortunate owner of the fourth part of a share of a *canal boat*."

AT one of the provincial sheriff courts of Scotland a man who was tried for some minor offence was acquitted owing to want of evidence, the verdict being " Not Proven." Before leaving the bar, feeling himself master of the situation, he somewhat gratuitously said to the sheriff : " Where am I to go to, my lord ? " The judge, not a little nettled by his impertinence, consigned him to a certain warm locality, on which the accused replied : " If ye send me there, my lord, I'll be able to tell yer faither that ye cut doon the ploom-trees !" (In the sheriff's father's settlement there was a special provision relative to the preservation of certain favourite fruit-trees.)



GOING home at an early hour on a summer morning, after a prolonged carousal with some boon companions, John Clerk (afterwards Lord Eldin) asked a girl who was washing the doorsteps of a house in the street in which he lived whether she could tell him where Mr Clerk “bides.” “You’re Mr Clerk yoursel,” she at once replied. “I ken that fine,” said the advocate; “*but I canna find his hoose.*”

DURING a stage-coach dinner in the Highlands, where a Gaelic minister and several ladies happened to be of the party, Peter Robertson (afterwards Lord Robertson) undertook to show his acquaintance with the Gaelic language—which was practically *nil*—by proposing that the minister should tell a story in that tongue, which he would afterwards translate into English. When the parson had finished a somewhat elaborate narration, the lawyer coolly said that the story was so very indecent that he could not venture to repeat it in the presence of the ladies!

SOME years ago, after a man had been found guilty of bigamy at the Perth Circuit Court, his counsel addressed the Bench in mitigation of punishment, pleading the frequency of the crime as a palliation. When the youthful advocate had finished his address, Lord Cockburn thus addressed his brother judge: “I don’t know, my lord, what may be your opinion, but it appears to me that the learned counsel’s statement ought to be regarded as the very opposite

of a plea in mitigation ; and, seeing that the crime of bigamy is so common, instead of six months' imprisonment, I think we ought to give *eighteen*." Sentence accordingly.

WHILE entertaining his law agent at dinner, a Scotch gentleman contrived to extract a great many important opinions from his guest. A day or two afterwards he received a formidable account from his adviser, in which his charges were duly set forth. As a set-off, his host forthwith sent him a formal bill for the wine and viands which he had consumed ; but the man of law "capped" his friend's procedure by threatening to report him to the authorities for having *sold strong drink without a licence*.

WHEN pleading before Lord Deas, a certain member of the Scotch Bar was not particularly distinct in his enunciation, on which the judge said sharply : "Open your mouth, sir ; young ladies, I believe, hesitate to do so through fear of spoiling their beauty, but I don't think *you* need be afraid."

SOME time ago a Scottish general and an occupant of the Scottish Bench happened to meet at a dinner-party, when the soldier informed the judge that his weight was between fourteen and fifteen stone. The judge stated in reply that he was little more than one half of that weight, on which the general promptly and happily rejoined : "The differ-

ence is easily accounted for by the fact of your lordship putting all your weight into your learned judgments."

ONE of the best retorts Jeffreys ever received was from a lady whom he cross-examined in his usual bullying manner. Jeffreys' wife had been confined a very short time after her marriage, which excited much ridicule when it became known. Her husband was, shortly after this unfortunate occurrence, cross-examining a fair lady, who gave her evidence with tolerable sharpness. He said: "Madam, you are very quick in your answers." "Quick as I am, Sir George," she replied, "I am not so quick as your lady."

A WELL-KNOWN barrister when travelling to the Manchester Assizes was anxious to obtain a compartment to himself, that he might read his briefs undisturbed. In spite of a liberal "tip" to the guard, a mild-faced old clergyman entered the carriage, and soon displayed an inclination to talk. The barrister, greatly disgusted, set himself to frighten his companion, by feigning signs of madness—shuffling in his seat, rolling his eyes and peering wildly out of the window. The clergyman soon became very nervous, and, by way of distracting his fellow-passenger's attention, faintly remarked as the train passed the great lunatic asylum: "How nice Hanwell looks from the railway!" "Ah," said the lawyer, with a snarl, "*you should see how the railway looks from Hanwell!*" The poor parson beat a hasty

retreat at the next stopping place, and the barrister proceeded in peace.

COLERIDGE, when Lord Chief Justice, was one day out shooting with another judge who, not being much of a sportsman, continually missed his bird. At last he appealed to the chief for a reason. "My *dear* fellow," said Coleridge, in his suave way, "I fear you give them *too much law*."

A DUCHESS who was celebrated for her beauty bantered Lord Stowell, at that time Consistory Judge, and inquired "how his court would manage if he himself should be guilty of a *faux pas*." He replied, with a gallantry becoming the question, "that the idea of such an embarrassing situation had only occurred to him since he had become acquainted with her Grace."

MR LOGAN, when counsel in a case before Lord Cunninghame, which involved numerous points of form, on some of which he ventured to express an opinion, was repeatedly interrupted by old Beveridge, the judge's clerk—a great authority on matters of form—who had the misfortune to possess a very large nasal organ, which literally overhung his mouth. "No, no, no," said the clerk, as the barrister was quietly explaining the practice in certain cases. On which Logan, somewhat nettled at the blunt interruption, coolly replied: "But, my lord, I say: 'Yes, yes, yes,' in spite of Mr Beveridge's *noes*."

“MY lord,” said a witness to Mr Justice Maule, “you may believe me or not, but I have stated not a word that is false, for I have been wedded to truth from my infancy.” “Yes, sir,” said the judge dryly; “but the question is, *how long have you been a widower?*”

THIEVES like a man who can “speak up” for them; many a one has gone free by dint of counsel shouting. Ballantine was once addressing the jury at the Middlesex Sessions, when he was interrupted by what appeared to be a terrible disturbance, as if all the Italians on Saffron Hill had risen *en masse*, and besieged the sessions house.

Sir Peter Edlin, the presiding judge, sent the usher to ascertain the cause of the uproar. After a few anxious moments the usher returned with the news that “*it was only Mr Warner Sleigh addressing the jury in the next court.*”

WHEN Baron Huddleston died, Mr Justice Day had intended to go to the funeral, but when he learned that he was to be cremated he wrote a pithy note to Willis from the Bench:

“I had intended to go with my brother Huddleston to the grave, but since he has decided *to go off in flames* I cannot accompany him!”

SERJEANT DOWLING, when a junior, was in a case with Gurney as his leader. A witness had been called and told to go down. “Allow me to ask a question,” said Dowling. “Certainly,” said

Gurney. He asked one single question. In the next Sunday paper (of which his brother was editor) a paragraph in the following words appeared :—

*“Here Mr Dowling rose, and in a most impressive tone and manner asked the witness where he lived.”*

SIR THOMAS WILDE, when Chief Justice of the Common Pleas, on one occasion was presiding in the Crown Court at the Kingston Assizes. He deferred sentencing the prisoners convicted upon the first day until the following morning, and then sentenced several of them to be flogged. There was not another conviction during the whole of the assizes.

A YOUNG counsel, seeing his witness sworn on the Old Testament, and that two of the jurymen had been sworn with their hats on, thought to curry favour with them. He asked the witness: “Now, just tell me, what is your religion?” The man, whose nose was according to Moses, replied: “Vell, I’ve tode you by dabe is Isaac Nathan—that I lives in Houndsditch—and deals in sponges, and you asks me vot my religion is—vell—put we down a Ke-va-ker!”

MR NATHANIEL CLARKE was connected with an amusing story of a case tried before him, known as the case of the “ducks.” This came off at Warwick, when, the calendar being very heavy, three courts for the trial of prisoners were sitting at one and the same time. Old Clarke presided as judge in the Grand Jury room. A somewhat surly prisoner



was being tried in the court usually assigned for the trial of prisoners, and known as the "Criminal Court," the charge against him being that of stealing a couple of ducks. He was acquitted. Mr Hilditch, the deputy associate, coming into court for some indictments for the adjoining court, the one just disposed of was with some others put into his hands, and the same man was shortly afterwards again arraigned for stealing the self-same ducks, and again acquitted. By a strange piece of blundering the indictment was sent up into the Grand Jury room, and for the third time was a jury sworn "to do justice between our Sovereign Lady the Queen and the prisoner at the bar," of and concerning the same ducks. The trial proceeded, and seemed rather telling against the man, when, the case for the prosecution being closed, the learned judge, addressing him, said: "Now, prisoner, hold up your head. The case for the prosecution is closed, and if you wish to say anything to those gentlemen"—pointing to the jury—"now's your time; but, mind you speak up, for, unless you speak so as they and I can hear you, you may as well not speak it all—not that I think it will do you much good whatever you say"—this last was said *sotto voce*. Prisoner in reply said: "I wants ter know 'ow many times I'm to be 'ad up about them 'ere blasted ducks?" "What does he say?" asked the judge of Mr Collison, the associate. "I didn't exactly catch it, my lord. Speak up, prisoner. What is it you say?" said Mr Collison. "I wants ter know," replied the prisoner, "how often, sir, I'm to be arsked abaht those blasted ducks. I've bin acquit twice afore."



And as upon inquiry it turned out to be the case the man was discharged.

**N**ATHANIEL CLARKE, though generally engaged as junior to his father, on some occasions found himself opposed to him. This happened to be the case in a particular instance at Warwick. The old gentleman had made some technical objection to certain matters on the other side, when young Clarke got up and said he would proceed to show how futile and utterly absurd the arguments of the learned counsel on the other side were. Old Clarke sprung up hastily with a look of astonishment on his face, and speaking across the table to his son said : " Sit down, sir ; sit down ; how dare you use such words to your poor old father ! " The son, forgetting for a moment in his reverence for his sire what was due from himself to his client, immediately sat down, till Lord Denman (the presiding judge) encouraged him to rise by telling him that his reverence for his father must not make him forget his duty as an advocate.

**S**ERJEANT VAUGHAN, who practised on the Midland Circuit, indulged in curious similes sometimes. In the course of his general reply, in a case tried at Warwick, he was commenting on his opponent's evidence, the last of whose witnesses was remaining in the witness-box, standing at his ease, with his hands in his pockets apparently enjoying most heartily and laughing at the Serjeant's jokes, when Vaughan's eye lighting upon him he exclaimed : " And then we come to Brown. Ah ! there the im-

pudent and deceitful fellow stands, just like a crocodile, with tears in his eyes and his hands in his breeches pockets." The laughter following in court convinced Vaughan of his mistake as a naturalist.

AT Nottingham Assizes a special jury case was about to be tried before Mr Justice Littledale, involving some electioneering matters. The jury had been called into the box, and were about to be sworn, when the leading counsel for the plaintiff intimated to his lordship he wished a particular jurymen to leave, as he—the learned counsel—had been informed he had expressed his determination to find only one way, and had provisioned himself to be able to endure a long sitting. Mr Justice Littledale intimated to the gentleman indicated that in his opinion he had better retire. This appeal, meant in kindness, met with no response, whereupon witnesses were called and sworn, who deposed to having heard the juror in question declare what he had stated, and that they had seen him put a soda bottle of brandy and water in his pocket, with a large packet of sandwiches. Those creature comforts being found upon the person of the delinquent, the judge ordered him to leave the jury box, and had his name struck off the list of special jurymen for the county of Nottingham.

MR JUSTICE KEATING one day had occasion to examine a witness who stuttered very much in giving his evidence. "I believe," said his lordship, "you are a very great rogue." "Not so great a rogue as you, my lord——t-t-t-t-take me to be," was the reply.

TWO Irishmen being about to be hanged, the gallows was erected over the margin of a river. When the first man was drawn up, the rope gave way, he fell into the stream and escaped by swimming. The remaining culprit, looking at the executioner, said with genuine native simplicity, and an earnestness that evinced his sincerity: "Do, good Mr Ketch, if you please, tie me up tight, for if the rope breaks I'm sure to be drowned, for I can't swim a stroke.

SOME years ago, men used to walk about openly in Westminster Hall with a piece of straw in their boot. By this sign attorneys knew that such persons were in want of employment as false witness, and would give any evidence required for money. For instance, if an advocate wanted an obliging witness he would go to one of these men, and show him a fee, which, if not sufficient, the witness would not take any notice of. The fee was then increased until its weight recalled the power of memory to a sufficient extent. By this they derived their name, "Men of Straw."

ERSKINE and Garrow one day laid a wager that the latter's wig would not fit the former, and Garrow accordingly went to his friend's chambers to try it on. It fitted, and Erskine sent out for half-a-dozen of champagne, which was the subject of the wager. The two barristers soon drank the wine, and Garrow rose to go home. But the champagne had such an effect upon him that he forgot

he had on Erskine's wig, and he sallied forth with it on his head, when he began tumbling about and collected a large mob.

**L**ORD CHIEF JUSTICE WILLES was a man of so little personal decorum that he was perpetually offending against the respect due to his office. He would play cards at the public rooms at watering-places; and one night when so engaged was extremely annoyed by a young barrister, who, feigning to be intoxicated, stood by the table, looked over his cards, and was so troublesome that at last Willes spoke sharply to him. "Sir," said he, pretending to stagger. "I—beg pardon; but I wanted to improve in playing whist; so—so I came to look over—you; for if—if I—I—I am not mistaken, sir, you are a judge."

**J**UDGE JEFFREYS, taking a dislike to a witness who had a long beard, told him that if his conscience was as large as his beard he had a swinging one. To which the witness replied: "*My lord, if you measure consciences by beards, you have none at all.*"

**T**HE eccentricities of judges are many. Some of them are overwhelmed with the importance of their position, especially on circuit, where they represent the Sovereign. On one occasion, at the Liverpool Assizes, Baron Huddleston and Mr Justice Manisty, the two judges on circuit, dined as usual with the Lord Mayor. The Queen's health

was proposed, and Manisty, with his innate good breeding, stood up to drink it; whereupon his august brother judge—Huddleston—pulled him violently by his sleeve saying: “Sit down, Manisty, you damned fool! *We* are the queen!”

BARON MARTIN, a good-natured judge, in sentencing a man convicted of a petty theft, said: “Look, I hardly know what to do with you, but you can tak’ six months.” “I can’t take that, my lord,” said the prisoner; “it’s too much. I can’t take it; your lordship sees I did not steal very much after all.” The Baron indulged in one of his characteristic chuckling laughs, and said: “Wal, that’s vera true; ye didn’t steal *much*. Well then, ye can tak’ *four*. Will that do—four months?” “No, my lord, but I can’t take that neither.” “Then tak’ *three*.” “That’s nearer the mark, my lord,” replied the prisoner, “but I’d rather you’d make it *two*, if you’ll be so kind.” “Very well then, tak’ two,” said the judge; “and don’t come again. If you do I’ll give you—— Well, it’ll all depend.”

A CURIOUS reason was once given by a jury for *not* finding a prisoner guilty of a most terrible murder. The evidence against him was irresistible, and the case was one of inexcusable brutality. The man had been tried for the murder of his father and mother, and the evidence was too clear to leave a doubt as to his guilt. The jury retired to consider their verdict, and were away so long that the judge sent for them and asked if there

was any point upon which he could enlighten them. They answered No, they thought they understood the case perfectly well. After a great deal of further consideration they brought in a verdict of "Not Guilty." The judge was angry at so outrageous a violation of their plain duty, and did what he ought not to have done—namely, asked the reason they brought in such a verdict, when they knew the culprit was guilty and ought to have been hanged. "That's just it, my lord," replied the foreman of the jury. "I assure you we had no doubt about the prisoner's guilt, but we thought there had been *deaths enough in the family lately*, and so gave him the benefit of the doubt."

A CURIOUS coincidence happened previous to Lord Campbell's death. His lordship had been entertaining a party at dinner, and amongst them was his brother-in-law, Colonel Scarlett. In its incidents the dinner had been as lively and agreeable as such events in social life usually are. Scarlett had an important engagement with Campbell in the city on the following Monday, this being a Saturday night. As he rose to go, Scarlett wished his host good-night with a hearty shake of the hand. "Good-night—good-night; we shall meet again on Monday."

Alas! Campbell died that night suddenly and, by a singular interposition of Providence, Scarlett died suddenly the next day, Sunday.



AN action for damages against a fire insurance company brought by some Jews was heard before Chief Justice Cockburn ; which clearly was a fraudulent claim. The plaintiffs claimed for loss of ready-made clothes in the fire. Hawkins, who appeared for the defendant company, elicited the fact that ready-made clothes in this firm had all brass buttons as a rule ; and, further, that after sifting the debris of the fire no buttons had been found. The trial was not concluded on that day, but on the following morning hundreds of buttons partially burnt were brought into court by the Jew plaintiffs.

Cockburn was not long in appreciating this mode of furnishing evidence after its necessity had been pointed out, and he asked : "How do you account for these buttons, Mr Hawkins ? You said none were found." "Up to last night none had been found," replied Hawkins. "But," said the Chief Justice, "but these buttons have evidently been burnt in the fire. How do they come here ?"

"*On their own shanks,*" was Hawkins' smart reply. Verdict for defendants.

SIR RICHARD BETHELL (afterwards Lord Westbury) and Lord Campbell were on very friendly terms. An amusing story is told of a meeting of the two in Westminster Hall, when the first rumour of Lord Campbell's appointment as Lord Chancellor was current. The day being cold for the time of year, Lord Campbell had gone down to the House of Lords in a fur coat, and Bethell, observing



this, pretended not to recognise him. Thereupon Campbell came up to him and said : “ Mr Attorney, don’t you know me ? ” “ I beg your pardon, my lord,” was the reply. “ I mistook you for the *Great Seal*.”

ON the summer mornings Sir Richard Bethell would open the window overlooking the lawn, and place a loaded twenty-bore gun near it. As the mist yielded to the sun’s rays, a stray rabbit was often seen feeding, or leisurely returning to its burrow. Sir Richard, presenting a peculiar and comical aspect, in his scarlet dressing-gown and white night-cap with a red tassel, walked slowly up and down, with a very solemn face, and an eye on the lawn. Presently a belated rabbit appeared, whereupon, his expression changing to one of intense excitement, down went the brief or book, and seizing the gun he would shoot at the rabbit from the window. Then exclaiming : “ I’ve got him ! ” or “ Missed him ! ” as the case might be, he resumed his dictation, as if nothing had happened.

WHILE the Thellusson case (a very long one) was proceeding, one of the counsel proposed deferring the consideration of some minor point till the day of judgment—meaning, of course, the day on which the final decision of the court was to be pronounced. “ But,” objected Sir Richard Bethell, with a quiet look of mischief in his eye, “ will not that day, Mr —, be a very *busy* day ? ”

THE following story of Sir Richard Bethell's self-possession was current at the time in legal circles. On glancing at the pleadings in consultation, he observed that he could not conceive how anyone could have advised the unfortunate plaintiff to adopt the course which had been adopted in that case. The country solicitor rejoined that he was surprised to hear Sir Richard say this, for he had himself some years before advised that very course to be taken in a certain event which had since actually occurred. The Attorney-General asked to see the opinion, and it was duly produced from the solicitor's bag. He read it slowly, and then said, as if soliloquising: "Well, it's a mystery to me how anyone capable of penning such an opinion could have risen to the eminence I have the honour to enjoy."

SIR RICHARD BETHELL, on one occasion being very ill, the doctor, who was competent enough in his sober moments, but often in an unfit state to prescribe if called in late in the day, was sent for, and he found his patient very ill, and told Miss Bethell that it was important that leeches should be applied to his chest that night, promising to send them out from the nearest town. No leeches, however, made their appearance, but just before midnight a small boy arrived, empty-handed, but with a message. "The doctor was sair fashed he couldna' send the leeches; they were so worn out they could do nae mair sucking."

**L**ORD CRANWORTH, before he became Lord Justice, had been for some years a Baron of the Exchequer, and when Lord Chancellor he used to sit continually with the Lords Justices, for the purpose, it was said, of making himself better acquainted with the new procedure in Equity, of which he was comparatively ignorant. One day someone remarked to Bethell: "I wonder why old Cranny always sits with the Lords Justices." The caustic but humorous reply was: "I take it to arise from a childish indisposition *to be left alone in the dark!*"

**I**N Lord Eldon's time, when the Lord Chancellor attended to hear appeals in the House of Lords, he occasionally found himself alone; and inasmuch as three peers were required to make a House, the officers of the House were sometimes obliged to catch a bishop and invite him to act as dummy; a lay peer was sometimes pressed into the service, and the Lord Chancellor, gravely assisted by these two mutes, administered justice in a final manner.

**L**ORD WESTBURY on one occasion had a "shoot" in his home coverts at Hinton, Sir A. Cockburn being one of the party. The wood culminated in a steep "sidling," upon which two guns were posted to stop the game going forward, while Lord Westbury and the Chief Justice remained below with the beaters. The pheasants kept on rising at the top of the "sidling" near the upper guns, rocketing back high above the sportsmen in the lower side. The Chief Justice, who was an indifferent

shot, and much preferred the luncheon, with its opportunities for some racy story-telling, did not notice any of the birds until one of the upper guns dropped a cock pheasant, which came crashing down through the trees, narrowly missing Sir Alexander's head. Greatly startled, and supposing himself to be in peril, he called out : " Fire high ! Hullo, there ; fire high !" in a state of some excitement. Whereupon Lord Westbury said : " Don't you be alarmed, Chief Justice ; you are quite safe. You are not as near heaven as that bird was when it was shot, and I am really afraid, after those sultry stories of yours, that you never will be."

**A**NOTHER amusing story is told of Lord Westbury in regard to his guests' shooting. A Greek nobleman used to shoot sometimes at one of his "shoots"—Hackwood. The Count, besides being a very bad shot, was wont to fire in a wild and dangerous manner, and Lord Westbury delighted in "wiping his eye." One day the Count, after missing every shot he had, severely peppered one of the dogs, and then twice claimed for himself birds which had dropped to his host's gun. He capped this performance a few minutes later by nearly bagging the whole line of shooters, keepers and beaters in a turnip field—his previous misdeeds, and the wiggings he got for them having made him completely lose his head. This was too much for Lord Westbury, who at once ordered a keeper to take from the excited and protesting Count his gun and cartridges, and sent the offending sportsman home to the

ladies, to the great amusement and relief of the rest of the party.

SIR ALEXANDER COCKBURN was once sitting next to Thesiger during a trial before Campbell, Lord Chief Justice, in which the judge read some French documents, and, being a Scotchman, it attracted a good deal of attention. Cockburn, who was a good French scholar, was much annoyed at the Chief Justice's pronunciation of the French language. "He is murdering it," said Cockburn; "murdering it!" "No, my dear Cockburn," answered Thesiger; "he is not killing it; only scotching it."

LORD NEWTON, an eminent judge in the Court of Session, was a strong follower of Bacchus. He was proposing to buy an estate, and he mentioned to a friend that he should like it to be one with a high-sounding name, as perhaps he might take his title from it. "Weel, my lord," answered his friend, "there's the yestate of Drunkie in the mercat; buy it, and then ye'll no need to tak' it amiss when folk say ye're *drunk aye*."

MR JUSTICE GRANTHAM was always fond of telling a good story against himself. He was once travelling in a non-smoking compartment when a man entered and lit a cigar. Despite Sir William's polite expostulation, the man continued to smoke, until at last the indignant judge handed the man his card, and said he would speak to the guard.

The man put the card in his pocket and continued to smoke. He alighted at the next station, and was followed by Sir William, who asked the guard to take the man's name and address. Presently the guard returned and whispered to the judge: "If I were you, sir, I shouldn't press the charge. I spoke to him, and he gave me his card. Here it is, sir. You see, he is Sir William Grantham."

"H AVING passed through the Stone Age and the Bronze Age," once wittily remarked the same judge during the hearing of a libel action, "we are now in what might be called the Age of Brass. The courts have very little to do now but try cases arising out of people being 'cheeky' or 'brassy' or telling lies."

MR JUSTICE GRANTHAM in his political days was a good platform speaker, and was generally able to hold his own against hecklers. On one occasion, when addressing a Conservative meeting, a Radical member of his audience interrupted a statement with the words: "It's a lie." "Thank you," said Grantham quietly. "It's a lie," reiterated the interrupter. "You're a gentleman," quickly replied Grantham. "It's a lie," thundered back the interrupter.

IT has frequently been said that a lawyer makes a bad witness, and Mr Justice Grantham once offended against one of the chief principles of the law of evidence. He was giving evidence, and in the course of



his statement said : " When I got to a certain place I said to So-and-so : ' What has young — been doing ? ' " " Sir William, was this in the prisoner's presence ? " asked the sprightly junior who was defending. " Oh no," apologetically said Sir William. " Then we cannot have that statement," replied the presiding judge; thus administering a rebuke to one who must have emphasised the principle thousands of times in his career.

A MEMBER of the Indian Bar, Mr Spring Branson, was the proud possessor of a long hirsute appanage, a beard, which he nobly sacrificed one day to the exigencies of some private theatricals in which he was to take part. The following day he appeared in court for the first time minus his beard, and proceeded to argue a case before the judge, who disapproved of his arguments, and interrupted him with : " Mr Branson, a more *barefaced* argument I have never heard advanced by you. There will be judgment for the defendant."

A BARRISTER retained in a case of assault and battery was cross-examining a witness in relation to the force of the blow struck. " What kind of a blow was given ? " asked the barrister. " A blow of the common kind." " Describe the blow." " I am not good at description." " Show me what kind of a blow it was." " I cannot." " You must." " I won't." The Court told the witness that if counsel insisted upon his showing what kind of a blow it was he must do so. " Do you insist upon it ? " asked the witness.



The counsel replied that he did. "Well, then, since you compel me to show it, it was this kind of a blow," at the same time suiting the action to the word, and knocking over the astonished barrister.

AS a Scotch minister and an English lawyer were riding together, the minister said to his friend: "Sir, do you ever make mistakes in pleading?" "I do," said the lawyer. "An' what do ye do wi' mistakes?" was the next question. "Why, sir, if large ones I mend them, if small ones I let them go. And pray, sir, do you ever make mistakes in preaching?" "Ay, sir, I have dune sae." "And what do you do with your mistakes?" asked the lawyer. "Oh, I dispense with them in the same manner as you do yoursel': I rectify the lairge, an' let go the sma' anes. No lang since, as I was preachin', I meant to observe that the devil was the father o' a' liars, but made a mistake, an' said 'the father o' a' lawyers,' but the mistake was so sma' that I let it go."

"YOU are writing my bill on very rough paper," said a client to his solieitor. "Never mind," replied the solicitor; "it has to be filed before it comes into court."

ONE of the officials of the Court of Chancery in Dublin, named Moore, was noted for his peeculiar writing, his *calligraphy*, as he called it; while one of the most eminent practitioners seldom absent during the sittings was a dandy solicitor named Morris. One day, while several of the King's Counsel were waiting

for the Lord Chancellor's coming, Bushe asked Plunket (afterwards Lord Chancellor): "Why should this court remind you of Chester?" "I give it up," replied Plunket. "Don't you see," rejoined Bushe, "we are near *Penman Moore* (Penmanmaur)."

"I was stupid indeed," was Plunket's reply; "but I ask you in return why it reminds us of North Wales." Bushe was unable to solve the riddle, so, pointing to the dandy solicitor, Plunket jocosely said: "Why, there's *Beau Morris*."

IT is related of Sir Hardinge Giffard (afterwards Lord Halsbury) that it was not always easy to get him to read his brief. On one occasion when he was retained in an election petition it was discovered by his juniors the evening before the commission opened that he had neglected this precaution. The party were staying in a big country house, the owner of which was an ardent politician, and immediately after dinner Hardinge Giffard was conducted to the billiard-room, in company with the brief, and the key was turned upon him. Three hours later the party returned to release him, and found him peacefully asleep on the settee, with the brief, a remarkably bulky one, *as his pillow*.

IN the year 1889 Mr Justice Field and Mr Justice Grove both resigned their offices as judges of the High Court. The former was made a peer on the ground that his services were required in the appeals before the House of Lords, the latter was merely sworn of the Privy Council. "How is it, Grove,"

said a friend, "that they haven't made you a peer like Lord Field?" "I suppose because I'm only deaf of *one* ear," replied Grove.

WHEN Lord Colonsay was alive, and Lord Westbury's pet aversion, Lord Westbury met Sir William Erle, then recently retired from the Chief Justiceship of the Common Pleas. "My dear fellow," said Lord Westbury, "why do you not attend the Privy Council?" "Oh," replied Erle, "because I am old, deaf and stupid." "But that's no reason at all," said Westbury, "for I am old, and Williams is deaf, and Colonsay is stupid, and yet we make an excellent Court of Appeal."

ON one occasion Sir Richard Bethell was mated with a junior as resourceful as himself. "Keep the case going till I come back," was his parting injunction as he glided through the door on business "elsewhere." Two days afterwards, when the case and all connected with it had vanished from his mind, he happened to pass by the court, and there he caught the voice of "my incomparable junior," fluent but husky, and still engaged in "keeping the case going."

A CERTAIN Nonconformist counsel on the Midland Circuit was on terms of friendship with Sir Richard Bethell, at a time when his prospects of rising to the Woolsack were somewhat overclouded. "I suppose those young fellows are going to church," he remarked one Sunday morning, as two or three of the juniors went by in high hats, carrying their prayer-

books. "Yes," was the rejoinder; "while you stick to *Bethel*."

MR JUSTICE HEATH, the judge who would never be knighted, and who died, after thirty-six years on the Bench, plain John Heath, had a prisoner before him convicted of murdering his wife; according to the usual form he was asked if he had anything to say why sentence of death should not be passed upon him. The prisoner gave a very moving account of his wife's misconduct, and the provocation he had received from her; to which the judge rejoined: "Prisoner, *you were wrong in point of law*; you must therefore be taken hence to the place from which you came, and thence to the place of execution, and there you must be hanged by the neck until you be dead, and may the Lord have mercy on your soul."

BEFORE the same judge, a man charged with felonious violence to a female appeared to be innocent by reason of the consent of the prosecutrix, whereupon Heath said: "Gentlemen of the Jury, acquit the prisoner; if such a scandalous prosecution were to succeed, *which of us is safe?*"

A STORY is told of Mr Justice Bayley and a certain Dan Giles, who, as High Sheriff of Hertfordshire, received the Judges of Assize in a coach almost ready to break down, and gave claret to his dinner guests so new that it was unfit to drink. The judge told him that his carriage and his wine should exchange ages, and then both would be excellent.

OF Whigham, one of the leaders on the Northern Circuit, an amusing story used to be told. He was defending a prisoner, and opened an alibi in his address to the jury, undertaking to prove it by calling the person who had been in bed with him at the time in question, and deprecating their evil opinion of a woman whose moral character was clearly open to grave reproach, but who was still entitled to be believed upon her oath. Then he called "Jessie Crabtree." The name was, as usual, repeated by the crier, and there came pushing his way sturdily through the crowd a big Lancashire lad in his rough dress, who had been the prisoner's veritable bedfellow—Whigham's brief not having explained to him that the Christian name of his witness was, in this case, a male one.

MR JUSTICE MAULE, at the Liverpool Assizes, had before him on trial an old offender, charged with "ringing the changes" at a public-house in Manchester. The main evidence against the prisoner was that of a smart barmaid, whom he cross-examined himself, not being defended by counsel. She answered all his questions in such a way as only to clinch the case against him, and finding that he could make no impression on her he said: "Well, you go away; I know the jury won't believe you." The girl answered: "I sha'n't go away for your telling me to go," and there was a sort of altercation between them, which Maule did not at first notice, as he was looking over his notes, before summing up. At last he looked up, and said to the witness: "My good girl, you have given your evidence very well, and are not wanted

any more, and you can go ; and remember you have this advantage over the prisoner—that you can go away and he can't." At this there was, of course, a great laugh at the expense of the discomfited man in the dock. Maule summed up, the jury at once found a verdict of guilty, and, a previous conviction having been proved, made the offence a transportable one ; Maule therefore proceeded to sentence him to seven years' transportation, on which the prisoner called out to him : " You'll be in hell before that time's over." Maule did not hear what was said, and leaned over his desk to ask a very ancient and staid official what the prisoner was saying. He stood up, turned round to the judge, and very solemnly said : " He says your lordship will be in hell before that time's over." " We shall see," replied Maule. " Call the next case."

**M**R JUSTICE WILLIAMS was rather addicted to strong language. On one occasion when he was reading out the notes of evidence taken by another judge upon the hearing of an application for a new trial he read : " When the plaintiff was asked to pay for the goods, he said he would see them d—d first." Counsel, who were following him from their own notes, interrupted Williams to say : " We have it that the plaintiff said he would see the goods delivered first." Williams replied : " What I have is d—d, and if that does not mean damned, I am damned myself." The judge who tried the cause had in fact abbreviated the word " delivered " to dd, without dreaming of the misconception to which it might give rise.



SHORTLY before his death, Lord Campbell told Mr George Brodric that he had never lost a tooth, and that he hoped the fact would be engraved on his tombstone.

MR FOOTE, the well-known K.C., once saw the shorthand notes of an appeal from a judgment of a certain judge who was much addicted to "nodding" on the bench after his lunch, which were afterwards read *in extenso* to the House of Lords. The conscientious shorthand writer had taken down and transcribed a *sotto voce* remark made by Lord Justice A. L. Smith to Lord Esher, which was certainly never intended for the reporter's ear. "If I had just had a couple of mutton-chops and a bottle of stout for lunch," said the Lord Justice to the President, "I could understand myself delivering this judgment."

WHEN Lord Bramwell was at the Bar his language was sometimes a little unconventional. "Are you sure of that, Mr Bramwell?" he was once asked by a learned judge, after a somewhat unexpected statement of fact. "Cock! my lord!" was Bramwell's vigorous reply, which completely satisfied the Bench.

IT is related that once in Cornwall the jury bailiff was sworn by a clerk who had mislaid the form of oath, and endeavoured to repeat it from memory. Taken down by an enterprising junior, it ran as follows:—"You shall keep this jury in some private



inconvenient place, without meat, drink, fire or clothing. You shall not suffer them to speak to one another, neither shall you speak to them yourself, except to tell them what their verdict should be. So help you God !”

ON one occasion Mr Justice Darling, on getting out of a taxicab at the Law Courts, grazed his shin against the door, and having to send for some ointment was consequently late in taking his seat on the Bench. On entering the court he apologised to the jury for having kept them waiting, on which Mr F. E. Smith, the eminent King’s Counsel, expressed the hope that it was “nothing serious,” to which the judge replied : “Thank you, Mr Smith, no ; there *will be no vacancy at present.*”

MR JUSTICE DARLING, shortly after his elevation to the Bench, presided in the old court at the Old Bailey. A man was put in the dock on his trial for burglary, Mr Horace Ivory (now Mr Justice Ivory) prosecuting for the Crown. One of the first witnesses called to give evidence against the prisoner was a sturdy-looking bricklayer. Mr Ivory started his questions with the leading ones : “I believe your name is William Robinson ?” “Yus.” “And you live at fourteen Wembey Cottages, Hornsey ?” “Yus.” “Did you meet the prisoner on the night of twelfth February in Hornsey Lane ?” “Yus.” “What did he say to you ?” Up, naturally, jumped counsel for the prisoner, saying : “My lord, I object ; under Section so-and-so, no conversation

can be given in evidence unless it took place in the prisoner's presence, or in the presence of another witness, my lord ; it has further been laid down, etc., etc.," and so on for a long time. Mr Avory then gave his reasons at great length why it was important this particular question should be answered, upon which Mr Justice Darling said, as it was an important point, he would adjourn the court for a few minutes, and consult his brother Channell, who was sitting in the other court. Upon his return he said : " As I anticipated, my brother Channell is of the same opinion as myself, and under the special circumstances of the case I shall allow the question to be put. Up rose Mr Avory with the cock-suredness which at that time was one of his most valuable assets, and with an air of triumph said : " Now, William Robinson, you say you live at fourteen Wembey Cottages, Hornsey ? " " Yus." " And you met the prisoner on the night of the twelfth of February in Hornsey Lane ? " " Yus." (*Then very slowly*) : " What—did—he—say to you ? " The staggering reply came back, much to Avory's discomfiture : " *NUFFIN*."

A CERTAIN judge was trying a case at Dorchester conducted by two juniors, in which a jury had been dispensed with by consent. It was an action by a house agent for commission, and judgment was given for the plaintiff in substantially the following terms :—" Mr Jones says this money was very easily earned. So it is in all professions. For example, you might go to Mr Jones

for an opinion, and he might dash you off something in ten minutes that might not be worth the paper it was written upon." Jones rose, furious, from his seat, prepared to defend himself, but the judge waved him down with: "Stay, please! Or you might go to Mr Brown" (the counsel on the other side), "who might take ten days over it, and it mightn't be worth much more." Then both learned counsel understood that the judge was pleased to jest, and a wan smile of intelligence stole over their faces.

AT the Staffordshire Assizes a dramatic incident marked the conclusion of a sensational murder trial. The jury had just returned after considering their verdict when, with weird effect, all the electric lights in the court were suddenly extinguished. For several minutes the court was in complete darkness, and the proceedings remained at a standstill.

One of the counsel informed Mr Justice Pickford that there were lights in an adjoining court, but the judge replied that he preferred to wait until the court could be reilluminated. Then an attendant brought in a few lighted candles, but the gloomy old building still remained in semi-darkness. From the Press box the outline of the judge's face could be faintly observed, and the prisoner could be seen standing unmoved in the dock.

In these conditions the foreman of the jury announced in grave tones a verdict of "Guilty." Mr Justice Pickford then assumed the black cap, and passed sentence of death, which the prisoner received without visible emotion.

**M**R FOOTE tells an amusing story of a youthful rising barrister, who has since attained high judicial rank, who was once touring in Wales, on his Revising Circuit. It is the duty of the civil authorities to detail a policeman for attendance at the Revision Court, for the maintenance of order and decorum, and the revising barrister in question had occasion to direct this arm of the law to remove from the court a fisherman who had obviously been drinking. At the end of the day the court adjourned, and the barrister intimated that he would return at the end of a week to complete the business left unfinished. The appointed day arrived, and the barrister was sitting at breakfast in his hotel when the waiter announced that a visitor wished to see him. The village policeman was ushered in, saluted and spoke as follows :—" Begging your lordship's pardon, but I wish to know what is to be done with the prisoner ! " Visions of an action for false imprisonment, if not of professional ruin, floated before the barrister's eyes ; but he kept his head, and directed that the victim should be brought before him in private. Having harangued him at some length on the enormity of his offence, he presented him with a couple of sovereigns, and told him to go away and lead a better life.

**A** STORY is told on the Northern Circuit, illustrating the good nature of Sir John Holker, afterwards Lord Justice Holker. A young barrister who found himself without funds at a remote town, on his first circuit, asked Holker to lend him ten

pounds ; his surprise can be imagined when at the mess-table a fifty-pound note was put into his hand, which he was to repay when he chose.

MR JUSTICE BYLES was, when at the Bar, noted for his astuteness in advocacy. On one occasion he was for the defendant in an action for breach of promise of marriage. The plaintiff proved the promise to marry, and that the defendant had married someone else. The case seemed a question of damages, but Byles put two questions to the plaintiff : " Did not he propose to marry you when his father was dead ? " " Yes." " Is his father dead ? " " No." " That is my case, my lord," said Byles. " But, brother Byles," said the judge, " he has married somebody else ! " " Well, my lord," said Byles, " his wife may die before his father, or afterwards, and he may outlive them both, when it will be time to fulfil the promise." The defendant won his case.

NO judge was more dignified on the Bench than Lord Chief Justice Cockburn, and few judges could throw off their dignity so well. On his last visit on the Western Circuit he dined with the Bar. After dinner it fell to a very young barrister who had sung a good song to " call " upon someone else to contribute to the entertainment. With matchless effrontery he said : " I call for a song from the Lord Chief Justice." Cockburn was a little taken aback, but eventually he sang, " The Somersetshire Poacher "—" It is my delight

on a Shiny Night," in a broad West Country dialect, with great gusto and in good style, to the huge gratification of all present.

AN ingenious defence was once made by a trooper in a cavalry regiment. He was an Irishman, and his defence was certainly unique. Being charged with stealing his comrade's ration liquor, he said: "I'd be sorry indade, sorr, to be called a thief. I put the liquor in the same bottle, and mine was at the bottom, and shure I was obliged to drink his to get at mine. Och! sorr, I'd scorn to be a thief."

VICE-CHANCELLOR MALINS had under his jurisdiction wards in Chancery, whose affairs he managed well. One day an application was made to him on behalf of trustees who asked permission to continue an investment in Turkish Bonds. "Turkish Bonds," said Malins, "are rather risky as a security, are they not? But you say the widow's income will be reduced? Well, I have some Turkish Bonds of my own; I think they will go up, and I suppose I cannot forbid trustees doing as I do myself."

SIR GEORGE JESSEL, Master of the Rolls, during his last days on the Bench became very irritable and overbearing in his manner. He had, as a member of the Court of Appeal, expressed an opinion with even more than his usual confidence on the question of the right of parties to interrogate



one another in an action to recover land. The House of Lords overruled this decision, and Jessel's impatience at the result led him to remark sharply : " Don't cite to me the decisions of *remote judges*."

JUDGE and counsel are often helpless before a witness who is determined to repeat in the third person what he has heard. A witness against a prisoner who was charged with stealing a duck was anxious to explain to the Court that the prisoner had confessed his guilt. " He said he stole the duck." When told to use the prisoner's own words he replied that those *were* the exact words. The judge interposed with : " He could not have said. ' He stole the duck.' What you mean is, that he said : ' I stole the duck.' " " He never mentioned your lordship's name," was the earnest and apologetic reply.

JUDGES sometimes stray into humour without knowing it. Mr Foote remembers an election petition in which one allegation was, that a number of rosettes, or " marks of distinction," had been kept in a table drawer in the central committee-room. To meet this charge, it was thought desirable to call witnesses to swear that the only table in the room consisted of planks laid upon trestles. " So that the table had no proper legs," said counsel cheerfully. " Never mind whether it had proper legs," said one of the learned judges. " The more important question is : Had it drawers ? "



CORNISH juries are notoriously independent. On one occasion a perfectly respectable farmer in that county was put on his trial for the murder of a man he found lying asleep under his hayrick. The farmer called to him three times to get up, threatening to knock him on the head if he did not obey, but the poor wretch was too besotted with drink to answer. Thereupon the owner of the rick, who had in his hand a heavy potato hoe, incontinently and without more ado smashed the trespasser's skull into a pulp. The jury in this case wanted to acquit the prisoner altogether, and were with difficulty persuaded by the judge to return a verdict of manslaughter. Even then, they appended a strong recommendation to mercy, on the ground of "extreme provocation." With an agricultural jury the conjunction of a tramp and a hayrick is an unpleasant one.

A LEARNED and conscientious junior had been briefed to "watch" a case from *nisi prius* up to the House of Lords, on behalf of certain claimants who believed themselves to be interested in the result. At the luncheon interval on the third or fourth day of the final hearing, the friendly solicitor who instructed him inquired in a stage whisper if he would like to be introduced "to the mug." "What mug?" asked the barrister, a little perplexed. "Why, *the* mug," replied his candid client. "I mean the mug who's paying you to watch."

IN the Criminal Court one summer assizes at Exeter, Carter, the well-known West Country barrister, was cross-examining a farmer's wife, who had sworn to the identity of some stolen ducks. The afternoon was hot, and the good lady, a little flustered by her position, was adjusting a bonnet which sat somewhat uneasily at the back of her head. She was recalled to an attitude of strict attention by the following polished rebuke :—" When you've caught it, ma'am," said Carter, in a tone of brutal irony, " I'll go on."

SIR CHARLES MATHEWS, when at the Bar, was noted for his power over juries. One day, at Winchester Assizes, Mathews was addressing a common jury in a torrent of burning eloquence, while he pointed the finger of scorn at the unhappy prosecuting counsel who sat cowering at his side. " Go it, little 'un ! " roared an excited and sympathetic farmer from the body of the court. " Turn that man out of court," said Mr Justice Stephen, sternly ; and operations were suspended for some minutes while this direction was being carried into effect. When order was at length restored, and the audience had settled down into terrified attention, the judge addressed the advocate in dignified and encouraging tones : " Go on, Mr Mathews, if you please—*exactly where you left off.*"

THE tales told of his youth on circuit were of a kind to explain the rarity of Lord Chief Justice Cockburn's appearance as a Judge of Assize

on the Western Circuit. There is a window in the robing-room of Exeter Castle, by the friendly aid of which it is said the future Chief Justice escaped the bailiff, and a peculiar and extensive knowledge of the exact points at which the jurisdiction of the City Sheriff ended and that of the County Sheriff began was currently believed to have stood him in good stead at critical moments.

THOSE who were familiar with the staccato accents of the late Mr Kemp, K.C., may smile at the following little episode relating to that gentleman. In an action brought to recover damages for a nuisance caused by a neighbouring factory, and alleged to have damaged a market gardener's produce, Mr Rawlinson, K.C., for the plaintiff, asked in re-examination a question concerning the damage done to the growing vegetables by the noxious dust ; on which Mr Kemp, who was leaving the court, and was half through the swing doors, turned round and called out in stentorian and staccato tones : "*Po-tatoes.*" The laughter in court was promptly suppressed by Mr Justice Kennedy (now Lord Justice) sternly exclaiming : " Stop that sniggering in court."

AN amusing case was tried in the King's Bench Division some years ago, before Mr Justice Darling, in which the plaintiff sought to restrain a music hall artist from singing a song entitled : " Oh ! Charlie, Come to Me." Mr Justice Darling read the following verse to an amused court :—

“ ‘ Oh ! Charlie, come to me,  
 For you I’ve had to roam,  
 For I’ve been and lost my return half ticket  
 And I can’t find my way back home. ’ ”

“ What does the third line rhyme with ? ” queried the judge ; to which counsel replied : “ I think, my lord, the last two lines are intended to form one long sentence. ” “ Did you read it over after you had written it, to see if it made sense ? ” asked the judge of the witness (the author of the song). “ I felt rather guilty,” replied the witness. “ Then,” said Mr Justice Darling, “ you ought to have what you call *a long sentence*. ”

IT was in this case that Mr Justice Darling uttered what will probably rank as one of his best *jeux d’esprit*. In summing up the case and dealing with the suggestion that poets do not avail themselves of actual events and circumstances, he pointed out that Gray’s immortal lines : “ WHERE ignorance is bliss ’tis folly to be wise,” were *naturally enough* suggested by “ A Distant Prospect of Eton College,” a jest much appreciated by Etonians, alike at the Bar and in Eton itself.

A CURIOUS story is told of the acute hearing power of Lord Chief Justice Jervis. He was trying a case in the course of which a witness gave some evidence apparently fatal to the other side, and no witness was called to contradict the assertion. When the judge came to sum up he said : “ I happen to have very acute hearing, and when the witness gave this

evidence, I distinctly heard the leading counsel on the other side whisper to his junior: 'Tell our attorney to go out of court, and ask Mr C. if he can contradict this.' Then I observed that the junior counsel, rather more cautious than his leader, wrote the question down on a piece of paper, and passed it to the attorney, who thereupon went out of court, but did not bring Mr C. back with him. I suppose that Mr Merewether knew by experience the extraordinary power of hearing with which I am endowed, and that is why he was careful to communicate with the attorney in writing."

IN the good old days a learned counsel of ferocious mien and loud voice, practising before Mr Justice Maule, received a fine rebuke from that learned judge. No reply could be got from an elderly lady in the box, and the counsel appealed to the judge. "I really cannot answer," said the trembling lady. "Why not, ma'am?" asked the judge. "Because, my lord, he frightens me so." "So he does me, ma'am," replied the judge.

LORD HANNEN one day met Mr J. G. Witt, K.C., in the street, and stopped him, because he had a good story to tell him. "You know," said Lord Hannen, "what a good fellow Searle is, and how much we all respect him, but he is not what you would call a powerful cross-examiner. This morning in my court I tried a very doubtful will case, and the only witness in support of the will was a solicitor who had been struck off the rolls. Searle was there to upset

the will, and had to cross-examine the witness, and it was quite obvious that he had full instructions as to the history of the witness. So after the evidence-in-chief had been given he got up and said : ‘ I think, sir, you were at one time a solicitor ? ’ ‘ Yes,’ replied the witness. ‘ And you are not a solicitor now ? ’ ‘ No,’ said the witness, and down sat Searle, and the jury thought : ‘ Here is a man who has retired with age and honour from his profession, and is probably now a Justice of the Peace, and so there can be no doubt at all about the verdict.’ ”

MRS WELDON, a well-known lady litigant in the courts, was on one occasion endeavouring in the Court of Appeal to upset a judgment of Vice-Chancellor Bacon, and one ground of complaint was that the judge was too old to understand her case. Thereupon Lord Esher said : “ The last time you were here you complained that your case had been tried by my brother Bowen, and you said he was only a bit of a boy, and could not do you justice. Now you come here and say that my brother Bacon was too old. What age do you want the judge to be ? ” “ Your age,” promptly replied Mrs Weldon, fixing her bright eyes on the handsome countenance of the Master of the Rolls.

SERJEANT BALLANTINE was one day prosecuting a case before the Common Serjeant, and the counsel who defended was a wild Irishman, who had never shown his face in the court before, and



whose manners were very blustering and uncouth. At length, while examining one of his witnesses, the counsel defending put to him an outrageously irregular question. Ballantine hastily rose, saying : " My lord, I object to his mode of examining a witness." " You object, do you, sor ? " said the Hibernian, turning round and gazing at Ballantine with a threatening air. " I was tould when I came here that what I said would be sure to be objected to ; but I am not to be put down, sor, and will prove to my Lord Judge that it is as genteel a question as ever was put by a counsellor to a deponent, and that in spite of your objection." Meanwhile Ballantine turned to O'Brien, who was seated next to him, and said : " Who is this fellow ? Do you know him ? " " Oh yes," said O'Brien ; " his name is O'Flaherty ; he is a regular fire-eater, and has killed one man, and winged two or three others." " You don't say so," replied Ballantine, and he immediately rose and said : " My lord, I withdraw my objection."

CHARLES WILKINS, afterwards Serjeant Wilkins, enjoyed considerable celebrity during his career at the Bar. He came to it late in life, but soon made his mark in criminal cases at the sessions and assizes. He was sure to be retained in all sensational cases that were tried on the Northern Circuit. On one occasion his clerk rushed into his room rubbing his hands in great glee, and exclaimed : "*Another horrible murder, sir, in York.*"



A YOUNG barrister on one occasion came before Mr Justice Watkin Williams, who, desiring as usual to learn his name, sent down a small note of inquiry to the usher. The latter was new to his work, and instead of seeking the information quietly from others went straight to the counsel himself, and said : “ The judge, sir, wishes to know your name.” The reply, in a tone loud enough to be heard all over the court, was : “ Oh ! my name is ——. I’m not ashamed of it. What is the name of the judge ? ”

A BARRISTER known as “ Tom Jones ” was once moving for a new trial before a full Bench in the Common Pleas, Mr Justice Byles being one of four judges. The barrister grew very warm and earnest in urging his client’s claims, and at length he said in emphatic tones : “ No one, my lords, who looks at this case with common fairness and honesty can hesitate for a moment in declaring that there ought to be a new trial.” Byles observed : “ This is rather strong language to use to us, Mr Jones. I hope you think that we, at the least, are commonly fair and honest.” “ We shall see, my lord,” said the barrister ; “ we shall see.”

ON another occasion Tom Jones was urging a case before Lord Chief Justice Cockburn, and advanced some legal proposition which he treated as incontrovertible. The Chief Justice said to him : “ What authority have you, Mr Jones, for that proposition ? ” “ Oh, my lord ! ” said Jones, “ I should not have thought any authority was required for so

well established a principle. Here, usher, just get *Blackstone*, or *Chitty*, or any other *elementary* book, and hand it up to his lordship."

MR JUSTICE MAULE was as a rule patient and forbearing, and he seldom interfered with counsel in their mode of laying cases before a jury, or the Bench, but once he was fairly provoked to do so, by the confused blundering way in which one of them was trying to instil a notion of what he meant into the minds of the jury. "I am sorry to interfere, Mr —," said the judge, "but do you not think that, by introducing a little order into your narrative, you might possibly render yourself a trifle more intelligible? It may be my fault that I cannot follow you; I know that my brain is getting old and dilapidated; but I should like to stipulate for some sort of order. There are plenty of them. There is the chronological, the botanical, the metaphysical, the geographical—even the alphabetical order would be better than no order at all."

SAMUEL WARREN, the author of "Ten Thousand a Year," was much given to boasting, at the Bar mess, of his intimacy with members of the peerage. One day he was saying that, while dining lately at the Duke of Leeds', he was surprised at finding no fish of any kind was served. "That is easily accounted for," said Thesiger: "they had probably eaten it all upstairs."

SERJEANT ROBINSON tells an amusing story of a young barrister who applied for a judgeship on the coast of Guinea. He was charmed at the success of his application, the fact being that anyone who asked for it was pretty sure of getting it, so slender was the competition for martyrdom involved in these deadly regions. He was about to start when he suddenly appeared at the Colonial Office and resigned the appointment he had been so anxious to obtain. The fact turned out to be that he had just received an authentic account of how the official whom he was going out to succeed had shortly before been served up on hot toast at a grand banquet given by the king of one of the hostile tribes in the immediate neighbourhood of his district.

AN amusing story is told of Corner, who was a very temperate and abstemious man, and moreover possessed a very porous outside, so much so that the torrid climate which played such havoc amongst Europeans never affected him. He remained at his post as Chief Justice at the Gold Coast for some years, and returned to England in as good condition as when he left. He went to the Colonial Office to inquire about his pension. The officials seemed a little staggered at the suggestion ; they knew not what to say about it, but they would look into the matter and let him know the result. It was a long time before he heard from them, but at length he was told that they had searched for precedents, and could find no record of any judge from the Gold Coast who had ever survived to be in a condition to make any such extravagant demand !

SERJEANT HAYES, afterwards a judge, once related particulars of a consultation he had with Sir Richard Bethell and Willes (who subsequently became Mr Justice Willes), admittedly one of the most profound lawyers of his time. But on the occasion Hayes spoke of, Willes was young in the profession, and though his qualifications were well known to the Common Law Bar they were not as yet recognised by many of his legal superiors. When the three, assembled, the two seniors expressed a very decided view as to the law of the case ; but the junior had the temerity to differ from his leaders, and proceeded at some length to give the reasons for his dissent. Bethell, meanwhile, scarcely condescended to listen to the arguments, but, when the junior had finished, simpered forth in his usual lisping style : “ Well, Serjeant Hayes, we have come to a clear opinion in this case, and this young gentleman—I forget his name ” (referring to the back of his brief)—“ ah, I see, Mr Wills, or Willes, or some such appellation—I understand differs from us ; perhaps he will be kind enough to write out the conclusion we have come to, and send it to us for our signatures.” Willes turned out to be right eventually, and he never forgave Bethell (afterwards Lord Westbury) for his marked discourtesy.

SERJEANT ADAMS, the first paid assistant judge at the Middlesex Sessions, was trying a case of nuisance, and in his summing-up he enlarged at portentous length on a definition of the offence, until the jury became thoroughly tired of listening

to him. When he had concluded, and was passing the jury box to get to his room, he said to the foreman : “ I will retire while you are deliberating on your verdict, which requires much consideration ; but I hope you understand the various points I have submitted to you ? ” “ Oh yes, my lord,” said the jurymen ; “ we are all agreed that we never before knew what a nuisance was until we heard your lordship’s summing-up.”

MILLER, before he became Serjeant, was the counsel of whom it was related that he successfully defended a man for horse stealing, although the evidence convinced the judge and everybody in the court that there ought to have been a conviction. When the trial was over, and the prisoner had been acquitted, the judge said to him : “ Prisoner, luckily for you, you have been found Not Guilty by the jury, but you know perfectly well you stole that horse. You may as well tell the truth, as no harm can happen to you now by a confession, for you cannot be tried again. Now tell me, did you not steal that horse ? ” “ Well, my lord,” replied the man, “ I always thought I did, until I heard my counsel’s speech, but now I begin to think I didn’t.”

THE little round black patch on the top of the wig used to distinguish a serjeant from the other members of the Bar. The following anecdote shows that the black patch was occasionally misunderstood. Serjeant Allen, and Sir Henry Keating, Q.C., on leaving the Assize Court at Stafford, were walking

along the streets to their lodgings, amicably enough, although they had just been opposed to one another in some case in which a violent altercation had taken place between them. Two men who had been listening to their wrangle in court were walking behind them, when one said to the other: "If you were in trouble, Bill, which of those two tip-top 'uns would you have to defend you?" "Well, Jim," was the reply, "I should pitch upon this 'un," pointing to the Q.C. "Then you'd be a fool," said his companion, "the fellow with the *sore head* is worth six of t'other one."

AN elderly barrister on the Western Circuit, named Ball, was once the subject of an amusing incident at a Quarter Sessions Court on that circuit.

An affiliation order had been made against a man, who appealed against it. Ball was retained in support of the order. He had a sort of spluttering way with him that did not tend to dignity of style or clearness of expression. In a roundabout way he admitted that the general evidence he had to adduce in corroboration of the mother was not over-strong; but there was one test he thought would prove infallible. He should produce the child in court, and it would be found that the finger of Nature had most distinctly pointed out the appellant as the father of the little one. Now the appellant was a spare, thin, somewhat cadaverous-looking individual, affording a striking contrast to the burly form of the learned counsel. When the child was produced a suppressed titter pervaded the court. The bantling turned out to be a fat, chubby, red-faced little thing, that made its



appearance chuckling and spluttering, as babies will do, when suddenly excited.

With this last piece of cogent evidence, Ball closed his case.

Upon this the opposing counsel rose, and addressing the chairman of the magistrates said that if that was the test his learned friend had relied on—namely, that the finger of Nature would infallibly point out the delinquent parent—he could not help thinking that the order of affiliation ought to have been made upon his learned friend, for he would confidently put it to anyone in court whether the little neophyte in question was not infinitely more like that gentleman than the alleged father. The magistrates consulted together and quashed the order. The truth was Ball had not seen the child before its production in court, and therefore had no opportunity of verifying the fact of the comparison he so boldly challenged.

**S**ERJEANT ARABIN was for some time a Commissioner of the Central Criminal Court; he prided himself very much on possessing the faculty of recognising faces he had once seen, and the result was that he often claimed old acquaintanceship with the rogues and thieves that were brought before him. A young urchin, who had been found guilty of some petty larceny, was brought up for sentence. “This is not the first time,” said the judge, “I have seen your face, young gentleman, and that you have seen mine. You know very well we have met before.” “No,” said the boy, who began to whimper; “it’s the first time I was ever here, your worship. I hope you’ll



have mercy, my lord." "Don't tell me that again," said Arabin. "I can't be deceived. Your face is very familiar to me. Gaoler, do you know anything of this youngster?" The gaoler answered: "Oh yes, my lord; he's a very bad boy, a constant associate of thieves. He's been very badly brought up, my lord. His mother keeps a disreputable house in White-chapel." "Ah," replied Arabin, "I knew I was right. I was quite sure your face was well known to me."

SIR ROBERT FINLAY on one occasion appeared in a case before Mr Justice Grove, where some brewers sued for damages done to some barrels of beer. Sir Robert in asking some question of a witness alluded to the *Cassks* of beer, on which Mr Justice Grove said: "Why call them *Cassks*, instead of *Bazwells*?"

MR JUSTICE CAVE always delighted in telling counsel that the points which they raised, and the proofs which they tendered, "had nothing whatever to do with the case." Now and then he overdid it. There was a case before him about the liability of a lady who kept a big London dairy, and who had a son who bought cows on his mother's credit, having used the cash for his own pleasures which his mother had entrusted to him. At the close of the case the learned judge asked the counsel what questions they wanted to have put to the jury. One side wrote out five questions, the other side, four. The judge read them and said: "They have none of them got anything to do with the case."

And then he wrote out five new ones of his own invention. The case went to the Court of Appeal, and when it was reached the Lord Chancellor said : " I have been trying in vain to find out what these five questions which were asked by the learned judge have to do with the case." Then there was a chorus from counsel of : " My lord, we none of us know."

**M**R JUSTICE WIGHTMAN held office in the old Court of Queen's Bench far beyond the prescribed time, and at last, on the eve of Long Vacation, he took a sort of farewell of his brother judges. However, when " the morrow of All Souls " came round he turned up smiling at Westminster Hall. " Why, brother Wightman," said Sir Alexander Cockburn, " you told us that you intended to send in your resignation to the Lord Chancellor before the end of August." " So I did," replied Sir William Wightman ; " but when I went home and told my wife she said : ' Why, William, what on earth do you think that we can do with you messing about the house all day ? ' So you see I was obliged to come down to court again."

**M**R JUSTICE BLACKBURN and Mr Justice Willes were regarded as the most profound lawyers on the Common Law Bench ; but the former had rather a rough way with him. Once at Kingston Assizes he tried three men on some criminal charge. They were acquitted, and, having been discharged, they walked up towards Surbiton to celebrate their

triumph by a row on the river. Hannen, then a junior on the Home Circuit, happened to overhear their conversation : " I say, Bill, how that judge did bully our counsellor, to be sure." " Yes, he did, George ; he did ; but he were fair, for he bullied that there persecuting chap just as much." Hannen told the story, and Mr Justice Blackburn, on hearing it, exclaimed : " That is the greatest testimony to my impartiality that I have heard since I sat on the Bench."

IN a case tried before Mr Justice Cave, counsel for the plaintiff had called four witnesses without advancing his case at all. The learned judge said : " These are very bad witnesses ; very bad indeed. Have you got a good one ? " " Oh yes, my lord," replied the counsel. " Then call him at once," said the judge ; " if you keep him any longer he will go bad like the rest.

IT was the same judge who, when dealing with the law as to beer drinking on Sunday, spoke of a *bona-fide* thirst as the true test of a *bona-fide* traveller.

MR JUSTICE DARLING, when a member of the Junior Bar, on one occasion whilst walking to Westminster Hall with Mr Purcell, asked Purcell if he had read the Recorder's charge to the Grand Jury in the Wainwright case. " No," said Purcell ; " I never read horrors." The conversation changing to politics, Purcell asked the future judge if he had

read Mr Gladstone's speech. "No," replied Darling; "*I never read horrors.*"

MR JUSTICE GRANTHAM, one of the most conscientious judges who ever adorned the Bench, was on one occasion in the Midlands seized with quinsy during the hearing of a case, and became so ill that he could not speak. He refused to adjourn. As he could not vocally sum up the case to the jury he wrote out his directions, and his marshal read them.

CURWOOD, a barrister who at one time practised a good deal at the Old Bailey, had obtained a small appointment as a local Commissioner in Bankruptcy, and it was the law then, with regard to many such Government officials, that they should take the Sacrament within six months of their entering upon office, under certain pains and penalties. Curwood put off the ceremony as long as possible, and had almost forgotten the necessity of performing it when, one day, as he was passing a church, he saw several persons going in, and it occurred to him that it was a good opportunity for acquitting himself of the obligation. It was probably the first time, to his knowledge, that he had ever been into a place of worship in his life. He sat down in a pew, and, without paying the slightest attention to what was going on, he took some papers from his pocket, and began to read them. When the service was over he went into the vestry, and asked the clerk for a certificate. "A certificate of what, sir?"

said the clerk. "Well," said Curwood, "I don't know much about it, but I have lately obtained an appointment, and I understand it is necessary I should get a certificate that I have attended the Sacrament." "Sacrament!" exclaimed the clerk. "Why, lord love you, sir, you've just been *churched*!"

LORD ROMILLY tells a story of Lord Lyndhurst which he heard from a registrar of his court. A counsel addressing Lord Lyndhurst for some time seemed to make little way, and Lyndhurst muttered audibly: "This man is a fool." The counsel continued for some time to go into the heart of the matter, upon which Lord Lyndhurst muttered: "Not so great a fool as I thought." Towards the close of the address, which was masterly, Lord Lyndhurst a third time muttered: "It is I who was the fool."

IT is related of Lord Norbury, known as the "hanging judge," that he was only once in his life known to shed tears, and that was at the theatre, at *The Beggar's Opera*, when the reprieve arrives for Captain Macheath.

WHEN the income tax was about to be extended to Ireland, John Ryan, reader to the Court of Chancery, a very stingy old gentleman, was very excited about it. "But," said he to a friend, "how will they find out what my income is?" "You'll be put on your oath to declare it, Mr

Ryan," said his friend. "Oh, will they leave it to my oath?" said Ryan, and walked off in high glee.

IN the North of Ireland the peasantry pronounce the word witness "wetness." At Derry Assizes a man said he had brought his "wetness" with him to corroborate his evidence. "Bless me," said the judge, "about what age are you?" "Forty-two my last birthday, my lord," replied the witness. "Do you mean to tell the jury," said the judge, "that at your age you still have a wet nurse?" "Of course I have, my lord." Counsel hereupon interposed and explained.

JUDGE BURTON, who was a very old and wizened little man, was trying a case, when another very old man, scarcely able to talk, came into court to give evidence. Instead of going to the witness box, he went towards the passage leading to the Bench. McDonagh, the counsel, called out to him: "Come back, sir; where are you going? Do you think you are a judge?" "Indeed, sir," said the old man, looking up at Judge Burton; "indeed, sir, I believe I am fit for little else."

SERJEANT MURPHY was a friend of Warren, author of "Ten Thousand a Year," a most conceited man. When this book was coming out in numbers in *Fraser's Magazine* the two met at a large dinner-party in London, and, though the story was coming out anonymously, Murphy and most of the other guests knew perfectly well it was



Warren's. After dinner, when the conversation was general, Warren, who was always fishing for compliments, said to Murphy across the table: "Have you read that thing that is coming out in *Fraser*?" "What thing?" said Murphy. "'Ten Thousand a Year,'" said Warren. "Yes, I have read it," Murphy answered. "What do you think of it?" asked Warren. "Hardly fair to ask me," said Murphy, "for I wrote it."

"IF you consider, gentlemen," Lord Justice Bowen is reported to have said, in prosecuting a burglar who was caught on the roof of a house with the implements of his trade in his hand, "that the accused was on the roof of the house for the purpose of enjoying the midnight breeze, and, by pure accident, happened to have about him the necessary tools of a housebreaker, with no dishonest intention of employing them, you will of course acquit him." A recommendation carried out by the jury, who failed to appreciate Bowen's delicate irony.

SIR WILLIAM FOLLETT was once engaged in a heavy case before the full Court of Queen's Bench. At the commencement of Sir William's argument, all the judges seemed to be against him, but this, so far from discouraging him, only appeared to increase his determination to convert them to his side of the question, if he possibly could. He proceeded to urge his points, and after a time he began to have hopes. They were evidently wavering; for they one by one uttered remarks that told him he



was making way. But with him was an aspiring junior, who, wishing to distinguish himself in so important a case, against the expostulations of his leader insisted on being heard. Accordingly he was heard at considerable length. At the close of his efforts to acquire distinction he found he had succeeded, but not quite in the way he had hoped for. The Chief Justice said, addressing Follett: "We are deeply indebted, Sir William, to your junior—more so, perhaps, than I can express—for preventing our going astray, as we were very likely to have done; for we had almost settled in our own minds that we should decide in your favour; but the able argument that he has just addressed to us has saved us from doing what he has shown us would be an act of great injustice to your opponents. We must therefore give judgment *against* you."

WHILE the serjeants still lived at Serjeants' Inn a baby was found on a doorstep, and the serjeants had to provide for it, but while still young it died, and they had to pay for its funeral. This was the only case of anything in the nature of a poor rate in the Inn, until an Act was passed making it, and the Temple, liable for rates.

AN elderly barrister on the Western Circuit, named Ball, was a perfect adept at discounting the character of friends and associates. He was as bland, amiable and conciliating as possible to all those in whose company he happened to find him-

self, but if one of them left the room he was shown no mercy. Ball never could bring himself to believe that an absent man could be either honest or respectable. He would say, for instance : " He's a charming fellow, and I am glad that he is getting on so well, for I hear he had a vast deal to contend with on entering life. They say his father was transported, and while he was away the mother kept a disreputable house ; but it was in a fashionable neighbourhood, and she made a great deal of money, and they were thus, it is said, enabled to bring up their son to the Bar. But, Lord bless me ! the world is so censorious. I never believe these things on mere hearsay. I hear, however, on first-rate authority that the young man himself was once tried for fraud, but then he was acquitted, and when a jury of his countrymen have pronounced a man ' Not Guilty ' I always say that no shadow of suspicion should rest upon his character afterwards. I believe he owed his acquittal to some technical formality, notwithstanding the strength of the evidence against him ; but everyone has a right to claim the immunities or privileges the law allows him, and, for my part, I shall never think the worse of our friend for his youthful escapades, serious as they may have been."

**L**ORD ELDON says that when he went the Northern Circuit the first toast at the circuit mess-table after " The King " was " The Schoolmasters." In those days they made wills, etc., which furnished frequent employment to the lawyers.

A TENANT of Lord Halkerston, a judge of the Scotch Court of Session, once waited on him with a woeful countenance and said : “ My lord, I am come to inform your lordship of a sad misfortune. My cow has gored one of your lordship’s cows, and I fear it cannot live.” “ Well then, of course you must pay for it,” said the judge. “ Indeed, my lord, it was not my fault, and you know I am but a very poor man.” “ I can’t help that. The law says you must pay for it. I am not to lose my cow, am I ? ” replied the judge. “ Well, my lord,” said the tenant, “ if it must be so, I cannot say more ; but I forgot what I was saying. It was my mistake entirely. I should have said that it was your lordship’s cow that gored mine.” “ Oh, is that it ? ” said the judge. “ That’s quite a different affair. Go along and don’t trouble me just now. I am very busy. Be off, I say ! ”

O’CONNELL had to defend a prisoner for a capital crime, and the defence was said by the attorney to be hopeless. Serjeant Lefroy happened to be acting for the judge, who had been suddenly indisposed, and being then young, and his character known to O’Connell, the latter purposely put several inadmissible questions to the witness, which of course were objected to by the opposite counsel. The Serjeant at last rather peremptorily stopped further questions of the same kind. O’Connell then with great warmth said : “ As you refuse me permission to defend my client, I leave his fate in your hands—his blood be on your head if he be condemned.”

He left the court at once with majestic stride, in a huff, and paced up and down outside the court for half-an-hour. At the end of that time his attorney rushed out of court, exclaiming : " He's acquitted ! He's acquitted ! " This stratagem was successful, and O'Connell with complacency told his friends that he had intended to throw the responsibility of the conviction on the judge.

SERJEANT WILKINS on one occasion, in defending a prisoner, said : " Drink has upon some an elevating, upon others a depressing, effect ; indeed there is a report, as we all know, that an eminent judge, when at the Bar, was obliged to resort to heavy drinking in the morning, to reduce himself to the level of the judges." Lord Denman, the judge, who had no love for Wilkins, bridled up instantly. His voice trembled with indignation as he uttered the words : " Where is the report, sir ? Where is it ? " There was a death-like silence. Wilkins calmly turned round to the judge and said : " It was burnt, my lord, in the Temple fire." The effect of this was considerable, and it was a long time before order could be restored, but Lord Denman was one of the first to acknowledge the wit of the answer.

AT the Durham Assizes an action was tried which turned out to have been brought by one neighbour against another for a trifling matter. The plaintiff was a deaf old lady, and after a little the judge suggested that the counsel should get

his client to compromise it, and to ask her what she would take to settle it. The counsel shouted out very loud to his client: "His lordship wants to know what you will take?" She at once replied: "I thank his lordship kindly, and if it's no ill convenience to him, I'll take a little *warm ale*."

JOHN ADOLPHUS, the barrister, tells a story of a fat gentleman getting into a 'bus in which there was but one place left. Great difficulty arose amongst the other passengers in packing themselves so as to afford him a place. A delicate-looking young lady, seeing his distress, said: "I am afraid, sir, you have nothing to sit upon." "Indeed, ma'am," said he, "I have a great deal; but I don't know where to put it!"

SERJEANT MURPHY was a man of very boisterous manners, and very fond of sparring with Warren, who had lately written his clever work, "Ten Thousand a Year." One day shortly after Murphy had been made a serjeant he called out at table: "Warren, I never had patience to finish that book of yours, but do tell me, what became of Gammon?" Warren seemed not to hear him, and did not answer the question. It was repeated: "Do tell me, what was the end of Gammon?" Warren then answered: "Oh! they made him a serjeant, and he was never heard of after"—a most severe but well-deserved hit at Murphy, whose business had declined ever since he took the coif.

CURRAN, the great Irish counsel, one day had a case before a judge and jury. His adversary's case was strong, and he had not a tittle of evidence to oppose to it. So, seeing a fellow in the last stage of intoxication amongst the bystanders, he desired him to be placed in the witness box, and told the jury that the other side had made his only witness so drunk that he could not utter a syllable. The jury found for their favourite counsellor without difficulty.

THE Lord Mayor, one day, had a little boy as a witness in a case before him, and he thought fit, according to the usual practice, to test the boy's orthodoxy by first asking in a paternal way whether he knew where bad people went to after they were dead. His lordship was very disconcerted by the ready answer: "No, I don't; no more don't you; nobody don't know that."

SERJEANT COCKLE, who was a rough, blustering fellow, once got from a witness more than he gave. In a trial of a right of fishery, he asked the witness: "Dost thou love fish?" "Ay," replied the witness, with a grin, "but I donna like cockle sauce with it." The learned Serjeant was not pleased with the roar of laughter which followed the remark.

LORD KENYON, the Chief Justice, being noted for his parsimony, one day speaking of the expenses of housekeeping said he had lately been obliged to pay for a new spit. "Oh, my lord," said Jekyll; "nothing *turns* upon that!"



**C**HIEF JUSTICE MONAHAN of the Irish Bench used to delight in telling a story of what he called the “damned airs” of the English Bar. Monahan was counsel in a great Irish cause to be heard on appeal by the House of Lords, and he went on one occasion to Bethell’s chambers to hold a consultation with that renowned leader, who had Sir George Turner as second in command. He found Bethell lying on a sofa, stretching out his legs with supercilious ease, and after discussing a bottle of champagne the legal chiefs began the plan of their battle. A junior in attendance was armed with precedents. Bethell drawled out with a lisp: “Hang cases!” But Monahan, who had brought books likewise, insisted on referring to authorities in point. Bethell placidly listened for some ten minutes, and then turning to his English colleague simpered out: “Turner, that voluble Irish savage really knows a little law.” Monahan stormed out of the room in a passion; but he closed the tale by adding that “Bethell carried the cause with ease.”

**A** BARONET who entertained strong notions of the divine right of landlords came to O’Connor Morris, a well-known member of the Irish Bar, to say he would not pay for the trespass done by deer which had broken out from his park into a turnip-field of a neighbouring farmer. His point was that deer were *feræ naturæ*, and that he could not be responsible for them; whereupon Morris told him he had better pay for the wrong done by animals bred by himself, and as domesticated as his barn-



door poultry. Morris declining to take a cause of the kind, he went off to another lawyer ; but two or three days before the trial the wrong-headed suitor was fool enough to send a haunch of one of those *feræ naturæ*, shot by his keeper, and prepared by his cook, to the judge who was to hear the case. The judge, conscientious almost to a fault, sent the *bonne bouche* back with an indignant message ; and the jury, it is needless to say, made short work of the plea of *feræ naturæ*, and gave large damages. The story was afterwards discussed on circuit, and the comments of Monahan were characteristic. " My dear fellow," the Chief-Justice said, " you should have taken the damned scoundrel's haunch, eaten it, and sent him to gaol for contempt of court."

JOHN CLERK, afterwards Lord Eldin, was about as plain-looking a man as could well be imagined. His inattention to dress was proverbial. In walking he had a considerable halt, one of his legs being shorter than the other. Proceeding down the High Street one day from the Court of Session he overheard a young lady saying to her companion rather loudly : " There goes Johnnie Clerk, the lame lawyer." Upon which he turned round, and with his usual force of expression said : " No, madam ; I may be a lame man, but not a *lame lawyer*."

CLERK was of a convivial disposition, and used to make a point of attending the anniversary dinner of the Bannatyne Club, where much wine was consumed. At the termination of one of these

dinners, where wit and wine contended for the mastery, the excited judge (for Clerk had then been raised to the Bench), on the way to his carriage, tumbled downstairs and, *miserabile dictu*, broke his nose, an accident which compelled him to confine himself to the house for a day or two. He reappeared, however, with a large patch on his olfactory member, which gave a most ludicrous expression to his face. On someone inquiring how this happened he said it was the effect of his studies. "Studies!" ejaculated the inquirer. "Yes," growled the judge; "ye've heard, nae doot, about *Coke upon Littleton*, but I suppose you never before heard of *Clerk upon Stair*!"

**L**ORD BRAXFIELD was among the last of the Scotch judges who rigidly adhered to the *broad* Scotch dialect. "Hae ye ony counsel, man?" said he to Maurice Margot when placed at the bar. "No," was the reply. "Do you want to hae ony appointit?" continued the judge. "No," said Margot. "I only want an interpreter to make me understand what your lordship says."

**O**N one occasion when that well-known bacchanalian, Lord Newton, was an advocate he happened to be pleading one morning before Lord Braxfield after a night of hard drinking. It so happened that the opposing counsel, although a more refined devotee of the jolly god, was in no better condition. Lord Braxfield, observing how matters stood, addressed the counsel in his usual unceremonious manner. "Gentlemen," said he, "ye may just

pack up your papers and gang hame ; the tane o' ye's rifting punch, and the ither's belching claret, and there'll be nae guid got out o' ye the day ! ”

**L**ORD NEWTON frequently went to sleep on the Bench, a fact which, to individuals unacquainted with his habits, might well seem to interfere with the proper discharge of his duties. On one occasion, while a very zealous but inexperienced counsel was pleading before him, his lordship had been dozing, as usual, for some time, till at last the young man, supposing him asleep, and confident of a favourable judgment in his case, stopped short in his pleading and, addressing the other judges on the Bench, said : “ My lords, it is unnecessary I should go on, as Lord Newton is fast asleep.” “ Ay, ay,” cried Newton, whose faculties were not in the least affected by the leaden god, “ you will have proof of that by-and-by ”—when, to the astonishment of the young advocate, after a most luminous view of the case, he gave a very decided and elaborate judgment against him.

**L**ORD CHANCELLOR ELDON, although born close to the Scottish border, affected not to understand the Scottish dialect and pronunciation. He was once hearing appeals in the House of Lords, and Clerk—afterwards Lord Eldin—having said in his broadest accent : “ In plain English, my lords,” was interrupted half seriously by Lord Eldon with : “ In plain Scotch, I suppose you mean ? ” “ Nae matter,” rejoined Clerk ; “ in plain common-sense, my lord, and that's the same in all languages, ye'll ken, if you understand it.”

**L**ORD COCKBURN, the Scotch judge, was sitting on the hillside on his estate of Bonaly, near Edinburgh, talking to his shepherd, and speculating about the reasons why his sheep lay on what seemed to be the least sheltered and coldest situation on the hill. Said his lordship: "John, if I were a sheep I would lie on the other side of the hill." The shepherd answered: "Ay, my lord; but if ye had been a sheep ye would have had mair sense."

**W**HEN Lord Redesdale was Lord Chancellor of Ireland, a very tall counsel, Mahaffy, was with a very little counsel, Mr Collis, in the same case. Mr Collis began to argue, when the judge said: "Mr Collis, it is usual for counsel to stand when addressing the Court." "*I am* standing, my lord, on the bench," was the answer. His lordship said: "Oh! then, Mr Mahaffy, I must ask you to sit down till your turn comes." "*I am* sitting down, my lord," was the reply, to Lord Redesdale's utter confusion.

**O**NE of the most effectual interpositions in favour of a junior was by John Clerk, afterwards Lord Eldin. A young barrister, to whom he was opposed, and against whom the Court decided in a peremptory manner, having declared that he "was much astonished at such a decision," there was a threat of committing him to prison for his contempt, when Clerk caused much laughter, in which the judges joined, by saying: "My lords, if my young friend had known your lordships as long as I have done he would long have ceased to be astonished at any decision of your lordships."

MR ADOLPHUS, the criminal lawyer, states that the Duke of Sussex told him, as a curious anecdote, that when Earl Ferrars had been convicted of murder, great efforts were made to obtain a pardon on the ground that he was insane. His mother being applied to, and requested to write a strong letter on the subject, answered : “ Well, but if I do, *how am I to marry off my daughters ?* ”

A PRISONER of seventeen, in a Scotch court, was charged with picking a gentleman’s pocket. The witnesses for the prosecution gave their evidence, and the prosecuting counsel commented on it, and clearly demonstrated the prisoner’s guilt. To all this the prisoner listened with great indifference, but when the counsel who defended him stood up to address the jury the prisoner leaned forward with the greatest interest. His counsel eloquently denounced the opposing witnesses, and the unreliable nature of their evidence, and warming with his subject exclaimed : “ If this young man had taken the money, where, I ask, could he have placed it ? Not in his pockets, for you know they were likely to be first examined ! Not in his shoes, for these too would for a certainty be examined ! Where, then, I say, Gentlemen of the Jury, could this lad have stowed away the money ? Where was there a place he could have found to hide it away ? ” At this point the counsel paused rather longer than usual, and the prisoner, fearing that his counsel was actually waiting for assistance, and was at a loss, exclaimed : “ *I put it in here, sir,* ” pointing to an inside pocket !

LORD ERSKINE, during Queen Caroline's trial in 1820, related the following anecdote, to the great amusement of the House of Lords. "My lords, when I was counsel in a cause tried in the Court of King's Bench, an important witness called against me, without describing himself to be of any particular sect, so as to be entitled to indulgence, stated that from certain ideas in his own mind he could not swear according to the usual form of the oath ; that he would hold up his hand and swear, but that he would not kiss the book. I have no difficulty in saying that I wished very much to get rid of that witness, and I asked what was the reason for refusing to be sworn in the usual form. He gave a reason which seemed to me a very absurd one : ' Because it is written in the Revelation that the angel standing on the sea *held up his hand.*' I said : ' This does not apply to your case, for, in the first place, you are no angel ; secondly, you cannot tell how the angel would have sworn if he had stood on dry ground as you do.' Lord Kenyon sent into the Common Pleas to consult Lord Chief Justice Eyre, who expressed himself of opinion that although the witness was not of any particular sect, yet, if there was a particular mode of swearing most consistent with his feelings of the obligation of an oath, this mode ought to be adopted. So the witness was sworn in his own fashion. Whether he spoke the truth or not, unfortunately for my client the witness was believed by the jury, and I felt that the judge was right, so that there was no ground for moving to set aside the verdict."



DANIEL O'CONNELL was engaged in a will case, the allegation being that the will was a forgery. The subscribing witnesses swore that the will had been signed by deceased "while life was in him," a mode of expression derived from the Irish language, and which peasants who have ceased to speak Irish still retain. The evidence was strong in favour of the will, when O'Connell was struck by the persistency of the man, who always repeated the same words, "the life was in him." O'Connell asked : "On the virtue of your oath, was he alive ?" "By the virtue of my oath," replied the witness, "the life was in him." "Now I call upon you," said O'Connell, "in the presence of your Maker, who will one day pass sentence on you for this evidence, I solemnly ask—and answer me at your peril—was there not a live fly in the dead man's mouth when his hand was placed on the will ?" The witness was taken aback at this question ; he trembled, turned pale, and faltered out an abject confession that the counsellor was right : a fly had been introduced into the mouth of the dead man to allow the witnesses to swear that "*life was in him.*"

O'CONNELL thus cross-examined the principal witness in a fatal transaction, ending in a trial for murder, he being the defending counsel : "Were not you after taking a drop when this happened ?" "Sartainly, I took a drop that day." "How much might that drop have consisted of—a glass ?" "Yes ; I drank a glass of spirits, surely." "Maybe, if you recalled, you took a second ?" "Why, I suppose I took as good as two." "Come, man ; did not you



take as good as three that day ? ” “ I don’t know ; faix, maybe I did.” “ Now, sir, on your solemn oath, did not you drink a pint of whisky before you saw these men a-fighting ? ” “ I took my share of it.” “ Was it not all but the pewter ? ” “ It was.” The jury discredited his evidence, and acquitted the prisoner.

DUNNING was defending a gentleman in an action brought for *crim. con.* with the plaintiff’s wife. The chief witness for the plaintiff was the lady’s maid, a clever, self-composed person who spoke confidently as to seeing the defendant in bed with her mistress. Dunning, on rising to cross-examine her, first made her take off her bonnet, that they might have a good view of her face, but this did not discompose her, as she knew she was good-looking. He then arranged his brief, solemnly drew up his shirt sleeves, and then began : “ Are you sure it was not your master you saw in bed with your mistress ? ” “ Perfectly sure.” “ What, do you pretend to say you can be certain when the head only appeared above the bedclothes, and that enveloped in a nightcap ! ” “ Quite certain.” “ You have often found occasion, then, to see your master in his nightcap ? ” “ Yes—very frequently.” “ Now, young woman, I ask you, on your solemn oath, does not your master occasionally go to bed with you ? ” “ Oh, that trial does not come on to-day, Mr Slabberchops ! ” replied the witness. A loud shout of laughter followed, and Lord Mansfield leaned back to enjoy it, and then gravely leaned forward and asked if Mr Dunning had any more

questions to put to the witness. No answer was given, and none were put.

SCARLETT had to cross-examine a witness whose evidence was important, and it was most necessary to disconcert and confuse him. The witness appeared in the box, a portly, overdressed gentleman, full of self-sufficiency. Counsel began : " Mr John Tompkins, I believe ? " " Yes." " You are a stock-broker ? " " I *ham* !" Scarlett, after attentively scanning him for a few moments, looked round to the jury and Bar, and said : " And a very fine *well-dressed ham* you are, sir !" This aroused great laughter, which completely disconcerted the witness.

CHIEF JUSTICE MACDONALD was sitting at Hertford in the Assize Court when a fearful storm of thunder and lightning arose, and entirely interrupted the proceedings. After a pause the judge rose and said to the jury : " Gentlemen, we are preparing to stand undaunted in the great day, when the heavens being on fire shall be dissolved ; and now, whatever may befall us, we cannot surely be found better employed than in the administration of justice." This appeal reconciled all to their duties, and the proceedings were resumed.

WHEN Mr Justice Buller went the Welsh Circuit, and the parson, who could only read English as a foreign language, came to the passage in the *Te Deum*, " We believe that thou shalt come to be our judge," he paused, turned about, and made a most reverential bow to the judge's pew.

CHIEF JUSTICE CARLETON was a most lugubrious judge, and was always complaining of something or other, but chiefly about the state of his health, so that Curran remarked that it was strange the old judge was *plaintive* in every case tried before him.

One day his lordship came into court very late, looking the picture of woe. He apologised to the Bar for being obliged to adjourn the court at once and dismiss the jury for that day, "though," his lordship added, "I am aware that an important issue stands for trial. But, the fact is, gentlemen (addressing the Bar in a low tone of voice and somewhat confidentially), I have met with a domestic misfortune, which has altogether deranged my nerves. Poor Lady Carleton has, most unfortunately, miscarried, and——" "Oh, then, my lord!" exclaimed Curran, "I am sure we are all quite satisfied your lordship has done right in deciding there is no *issue* to try, to-day." His lordship smiled a ghastly smile, and, retiring, thanked the Bar for their kind sympathy.

WHEN Baron Parke was trying a cause at Gloucester Assizes, Mr Maule (afterwards the celebrated judge), who was counsel for one of the parties, appeared to everybody to be wasting time with his humorous irrelevancies. The judge interposed and said: "Come, come, Mr Maule; can't you get on a little faster, as I must be at Stafford to-night?" Thereupon counsel replied with dignity: "My lord, I should be most happy to oblige your lordship; but, you see, I am not just at present Mr

Maule, but John Robinson, who has not the least wish that your lordship should get to Stafford to-night—in point of fact, he does not care a straw whether your lordship ever gets to Stafford at all.” The judge could only submit with a bad grace.

LORD KENYON, having sentenced a dishonest butler for stealing his master’s wine, thus addressed the prisoner: “Prisoner at the bar, you stand convicted on the most conclusive evidence of a crime of inexpressible atrocity—a crime that defiles the sacred springs of domestic confidence, and is calculated to strike alarm into the breast of every Englishman who invests largely in the choicer vintages of Southern Europe. Like the serpent of old, you have stung the hand of your protector. Fortunate in having a generous employer, you might without dishonesty have continued to supply your wretched wife and children with the comforts of sufficient prosperity, and even with some of the luxuries of affluence; but, dead to every claim of natural affection, and blind to your own real interest, you burst through all the restraints of religion and morality, and have for many years been *feathering* your nest with your master’s *bottles*.”

THE priest, being determined to open the eyes of a prisoner to the guilt of his conduct, ended by saying: “Oh, Pat! and what do you think will be your feelings at the Day of Judgment, when you meet Widow Maloney and the pig you stole from her, face to face?” “Does your Riverence say that the

pig will be there ? ” “ Ay, indeed will he, Pat ; and what will ye say then ? ” “ I will say, your Riverence : ‘ Mrs Maloney, dear, here’s the pig that I borrowed of ye, and it’s mighty glad I am to have this opportunity of returning the cratur ! ’ ”

**M**R PLOWDEN, the well-known London police court magistrate, when at the Bar, and briefs were scarce, was on one occasion briefed to defend a man charged with horse stealing. As chance would have it, the prisoner was arraigned during the luncheon hour, when Plowden had left the court. On his return he was disgusted to find that his client had actually pleaded “ Guilty.” He at once sought the judge—Baron Bramwell—and asked him privately to allow the plea to be withdrawn, explaining to him his position, and assuring him that, had he been in court, he should have advised the prisoner differently. The learned Baron demurred at first, but seeing Plowden’s earnestness he gave way, and the prisoner was permitted to withdraw his plea. The trial came on, and, after counsel had addressed the jury with much fervour, Baron Bramwell proceeded to sum up as follows :—

“ Gentlemen of the Jury, the prisoner at the bar is indicted for stealing a horse. To this charge he has pleaded guilty, but his learned counsel is convinced this was a mistake. The question, therefore, is one for you, gentlemen, which you will believe. If you should have any doubt, pray bear this in mind, that the prisoner was there, and the learned

counsel wasn't." The jury believed the prisoner and convicted him !

A WOMAN who had invented some wonderful herb medicine, which was supposed to be a cure for all the ills that flesh is heir to, was plaintiff in an action for damages for libel, tried before Mr Justice Lawrence. "Whom do you know who has taken this cure?" asked the judge of one witness. "My husband, my lord : he took it for a month, and there was another——" "Where is your husband now?" interrupted Mr Justice Lawrence. "He is dead now," answered the witness. Up went the judicial eyebrows. "Just what I expected," he said.

ON one occasion a famous K.C. had protested against some remarks made by Mr Justice Lawrence. In summing up, his lordship said : "You observed the little difference between counsel and myself. Do not take any notice of it ; it is part of the game. It sometimes helps counsel to get up a little scene with the judge, for the sympathy of the jury is seldom with the man who sits where I sit."

AN old woman in the witness box had been rattling on in the most voluble manner, until it was impossible to make head or tail of her evidence. Mr Justice Hawkins, thinking he would try his hand, began with a soothing question, but the old woman would not have it at any price. She replied testily : "It's no use your bothering me ; I have told you all I know." "That may be," replied his lord-



ship, "but the question rather is—do you know all you have told us?"

A FORMER President of the Court of Appeal was once delivering a long and portentous judgment, when he was interrupted by the next Lord Justice, who mistook the end of a period for the final peroration. "I agree," said the interrupter, with incisive curtness. "But you have not yet heard my reasons," said the President, with a smile. The Lord Justice bowed apologetically, and listened attentively for another quarter of an hour. When the close really came he had his revenge: "*I still agree!*" was the form in which he thought fit to concur.

IN the course of a wearisome and lengthy argument in the Court of Appeal, the genial Chancery leader was asked by one of the judges if he had taken the point which he was arguing in the court below. "I did, my lord," was the reply, "but the learned judge stopped me." "How did he do that, Mr Blank?" inquired the President, with awakened interest. "By fraudulently pretending, my lord," said the indignant advocate, "that he was in my favour!"

A MAGISTRATE asked a little street urchin who was being sent to a reformatory what was his religion. The boy did not understand, so the question was put differently: "Where do you go on Sunday?" The reply was: "Me and feyther collects rags and bones of a Sunday."



JUDGE PARRY was one day rebuking a man in the County Court for backing up his wife in what was not only an absurd story, but one in which it was apparent the man had no belief. "You should really be more careful," said the judge, "and I tell you candidly I don't believe a word of your wife's story." "You may do as yer like," he said mournfully; "*but I've got to.*"

A WORKMAN was being sued in Judge Parry's court by his landlady for arrears run up when, as she said, he was "out of work." The phrase made him very angry. "Look 'ere," he said; "can that wumman kiss the book agen? She's swearin' false. I've never bin out o' wark i' my life. Never." "Tummas," says the old lady, in a soothingly irritating voice. "Think, Tummas." "Never bin out o' wark i' my life," he shouts. "Oh, Tummas," says the old lady, more in sorrow than in anger. "You remember Queen's funeral? You were on the spree a whole fortnet." "Oh, ay!" says Thomas, unabashed; "but you said 'out o' wark.' If you're sayin' 'on the spree' I'm with yer, but I've never bin out o' wark i' my life."

SERJEANT DAVY once had a very large brief delivered to him with a fee of only two guineas marked on the back of it. His client asked him if he had read the brief. "Yes," said the Serjeant, pointing to the words on the back. "'Mr Sergeant Davy. *Two Guineas,*' as far as that I've read, and for the life of me I can read no further."

**L**ORD MANSFIELD, after presiding at a trial involving points of difficulty, became on second thoughts convinced he had made a mistake in the mode of directing the jury. Not long afterwards he had an opportunity of meeting the counsel of the losing party, and suggested to him that he might well move for a new trial. Lord Mansfield was relating this circumstance to his brother judges, who looked horrified at the cool and indifferent way in which their chief talked about the possibility of a mistake which he had made, or even the possibility of his ever changing his opinion. The chief observing this added : " Well, after all, it is only showing the world that you are wiser to-day than you were yesterday."

**A**NDREW BALFOUR, one of the Commissaries of Edinburgh, was a man of much pomposity of manner, appearance and expression. Harry Erskine met him one morning coming into the court, and observing that he was lame said to him : " What has happened, Commissary ? I am sorry to see you limping." " I was visiting my brother in Fife," answered the Commissary, " and I fell over his stile, and nearly broke my leg." " 'Twas lucky, Commissary," replied Harry, " it was not your own style, for you would then have broken your neck."

**I**N Scotland an advocate named John Erskine was of very diminutive size, and used to stand on a stool when he was addressing the Court, which made Henry Erskine remark " that that was certainly one way of rising at the Bar."

AT the York Assizes, once, a witness in a breach of promise of marriage case was examined ; and being asked by the judge how he came to think that the defendant was making love to the lady replied : “ Because he talked to her in italics.”

CARLYLE was a special juryman on an india-rubber dispute of the value of ten thousand pounds, and one hundred and fifty witnesses were summoned. The jury, after a long interval, were recalled to finish the case. They sat two endless days till dark, and then there were eleven for the plaintiff and one the other way, who would not yield. They were led down into a stone cell with twelve old chairs, one candle, no meat, drink or fire, no dinner, and their nerves worn out.

The refractory man, a thick-set, flat-headed sack, sat up in his chair and said : “ I am one of the firmest-minded men in England. I know this room pretty well ; I have starved out three juries already.” Carlyle said : “ Don’t argue with him. Flatter him.” It was a head all cheeks, jaw and no brow, of shape somewhat like a great ball of putty dropped from a height. They all set to work on him, and in an hour at last prevailed upon him to agree.

AT a dinner-party at Lord Chancellor Lyndhurst’s the conversation turned on the Indian custom of widows burning themselves, a recent instance having just occurred. Sydney Smith, after the conversation was nearly exhausted,

defended the practice, and asserted that no wife who truly loved her husband could wish to survive him. Someone said : “ But if Lord Lyndhurst were to die you would be sorry that Lady Lyndhurst should burn herself.” “ Lady Lyndhurst,” replied he, “ would no doubt, as an affectionate wife, consider it her duty to burn herself, but it would be our duty to put her out, and she should not be put out like an ordinary widow. It would be a state affair : first a procession of the judges, then of the lawyers.” “ But where, Mr Smith, are the clergy ? ” said one. “ Oh ! all gone to congratulate the new Lord Chancellor ! ”

CURRAN, who was always punctual when invited to a dinner-party, had received one day a special invitation ; but the patience of everybody was long exhausted, when the guests concluded he must have been drowned, and all the stableboys went out with lanterns to search for his body in the river. After many disappointments a maid at last discovered him stark naked and shivering in a bedroom where he had gone to take a bath. The Newfoundland dog of the house was lying watching him, and ready to spring the moment he moved, as it did not know him when stripped of his usual dress. He had been kept at bay in this situation for some hours, and was afraid to stir lest the avenging guardian should seize him by the throat. At last the master of the house appeared upon the scene, and rescued the naked figure from premature destruction, put him to bed under a heavy pile of blankets and administered

brandy and water hot, by which means he was sufficiently brought round to relate his hairbreadth escape.

ON one occasion Sir George Jessel, when Solicitor-General, appeared in the Court of Queen's Bench before Lord Chief Justice Cockburn, and Justices Blackburn and Lush, to move for a fresh inquiry into the conduct of a captain who had lost his ship on the coast of Cape Colony, the captain having already been absolved in an inquiry held by a Colonial court. The Lord Chief Justice, finding the Solicitor-General present, said : "Mr Solicitor-General, do you move ?" "Yes," he said, "I do." Having stated some of his facts Mr Justice Blackburn called out : "Has not this case been tried already, and the matter determined, and is it not like the case of a prisoner who has been tried and acquitted of the offence with which he is charged ?" Jessel replied : "Will your lordship hear the words of the statute before *you rush* to hasty analogies." With all his faults Cockburn was a generous chief, and the blood ran to his face. "Mr Solicitor," he said, in clear and striking tones, "we are not accustomed to be addressed in this way." Unmoved, undisturbed, standing four square, Jessel took no notice of what the Lord Chief Justice said, but simply resumed : "My lords, *when I was interrupted*, I was reading the words of the statute ; I propose to read them to the end." He eventually got his rule, which was subsequently made absolute.

JESSEL, when Master of the Rolls, once gave the following humorous description of *A Common Law Mystery*. "According to English Common Law a creditor may accept anything in satisfaction of his debt except a less amount of money. He may take a horse, or a canary, or a tomtit, if he chooses, and that is *accord and satisfaction*; but by a most extraordinary peculiarity of the English Common Law the creditor cannot take nineteen shillings and sixpence in the pound; if he does so, it is a *nudum pactum* (*i.e.* an agreement without any binding force). Therefore, although the creditor may take a canary together with his nineteen shillings and sixpence there was no accord or satisfaction. This is one of the mysteries of English Common Law."

A BARRISTER who notoriously disregarded the letter "H" was making a motion in the Court of Exchequer, and in the course of his argument spoke of the 'igh Bailiff. Baron Alderson said: "I have often heard of a bum bailiff, but never heard of an eye bailiff before."

AT the Central Criminal Court, one day, a witness had been in the box, and after leaving it rushed up again in great agitation, crying: "Please you, my lord, I 'ad an 'at, and vile I've bin a-giving my hevidence some 'un 'as thiev it."

A COUNSEL in making a motion to enter a *nolle prosequi*, on the last day of term, pronounced *prosequi* long in the middle syllable. Baron Alderson, the presiding judge, addressed the counsel: "Pray,



sir, consider that this is the last day of term, and don't make things unnecessarily long."

**L**ORD CAMDEN, during the time he was Chief Justice, was once staying with Lord Dacre in Essex. One day, accompanied by a gentleman well known for his absence of mind, he took a walk, in the course of which he ascended a hill near the house, at the top of which stood the parish stocks. After sitting down near them for some time the Chief Justice expressed a wish to know of what kind the punishment was, and begged his companion to open the stocks and let him try. This was accordingly done, and the gentleman, taking a book from his pocket, sauntered on, and not until he had returned to Lord Dacre's did he recollect that he had left the Chief Justice in so awkward a situation. When the learned judge was tired he tried to get out, but found he could not release himself. He asked a countryman who was passing by to let him out. The rustic stopped, looked at him, grinned, and shaking his head walked on, saying: "No, no, old gentleman; you wasn't set there for nothing." Some servants sent from Lord Dacre's soon after this rescued him from his novel situation.

**S**ERJEANT COCKLE'S powers of persuasion were so great that he obtained the appellation of "the almighty of the north." In illustration of this phrase the following anecdote has been related. A person who had a cause about to be tried at one of the assize towns on the Northern Circuit attended a con-

sultation of his counsel, but in spite of the favourable view they took of his case he seemed to apprehend a failure. At length he exclaimed : “ I am much obliged to you, gentlemen ; I am much obliged to you ; but it won’t do—it can’t do. The *almighty* is against me ! ” “ Are you mad, man ? ” exclaimed the leader, amazed at the extraordinary speech. “ What has the Almighty to do with your cause ? ” “ I don’t mean Almighty God, sir,” replied the client. “ I mean Serjeant Cockle—he’s o’ t’other side.”

A VERY prosy judge was laying down the law at inordinate length to a jury on circuit, and remarking on the evidence of a witness who had spoken to seeing the prisoner steal some copper. The judge, who was constantly calling the metal “ lead,” and on each occasion was corrected by counsel, said : “ I beg your pardon, gentlemen—copper ; but I can’t get the lead out of my head ! ” The whole court laughed at this unconscious sally, and rather annoyed the surprised judge.

SERJEANT WHITAKER, before a Committee of the House of Commons as to a contested election, insisted that the testimony of a Mr Smith would be most material to his client ; and the opposite party opposed the application for the reason that Mr Smith’s health would suffer in so hot a place. At length it was decided that Smith should be called. To give a colour to the opponents he was brought in muffled up and supported by a friend. All the members

were eager and attentive to hear the question that would be put, and which they all thought would go to the bottom of the whole business. The Serjeant rose with great gravity, and amid breathless silence began and ended : “ Pray, Mr Smith, how do you do ? ” The Committee, suspecting that the illness was a mere pretence, burst into a roar of laughter.

AT the York Assizes two men were charged with stealing a certain Mr Blanchard’s geese. He lived at Bulmer, and one day missed his geese, and being in York, the same day, saw what he was sure were his geese. In giving evidence afterwards he told the Court that he had taken the best way of satisfying himself that the geese were his. They had been stolen from his farm, where there were other geese ; and he took the constable and a witness, and also the stolen geese, back to the farm in a carriage, to see if the geese would be recognised by their relatives. On the carriage arriving, the old gander came out on the road most politely to welcome his lost family. The other geese in the distance cackled very loudly ; and as soon as the captives were released they hastened to their companions, where the whole group were so loudly and kindly congratulating each other that there could be no doubt in the minds of the constable and witnesses that they must all be of the same family. The graphic account of these interviews was received by the court and jury with repeated bursts of laughter ; the truth signally triumphed when the jury found the prisoners guilty.

A MAN was put on his trial at the Old Bailey for highway robbery, and a witness of the prosecutor swore positively to him, saying she had seen his face distinctly, as it was a bright moonlight night. The prisoner's counsel cross-examined this witness, so as to have it clear that it was a moonlight night, and that she stuck to her statement. In addressing the jury the prisoner's counsel said it was most fortunate for his client that the prosecutor's witness had dwelt upon this as her chief fact, for he was in a position to prove beyond the slightest doubt that the night on which the alleged crime was committed was not a moonlight night, but was in the dark quarter. In proof of this, he would refer to an authority that could not lie—he meant the almanac. The almanac was handed up to the judge, who told the jury it was so—there could be no moonlight ; and the prisoner was acquitted. It turned out that all that the prosecutor's witness had said was true. It was a moonlight night, and *the false almanac had been printed specially for the occasion.*

WHEN Anster was a young barrister, at the Irish Bar, an interesting-looking man with a good character was, on purely circumstantial evidence, charged with an agrarian murder. Anster felt acutely for his position, defended him ably and got him off. The man overwhelmed his counsel with gratitude. Some years after, when Anster was absorbed in searching some papers late at night, he heard a knock at his door, and answered it himself. Anster had always an absent manner, but after looking at

his visitor he recognised his former client, though he forgot his name, or confounded it with that of the murdered man. He exclaimed: "What, Kelly?" "No, your honour," was the reply; "*I am the boy that shot him.*"

LORD NORBURY, while on circuit, being attacked with a fit of the gout, sent to the Solicitor-General to request the loan of a pair of large slippers. "Take them," said the Solicitor-General to his servant, "with my respects, as I hope soon to be in his lordship's shoes."

MR JUSTICE PARK was in the habit of anticipating; on one occasion an amusing incident happened in consequence of that failing. Mr Humphry, Q.C., was opening a case before him at Lincoln, and stating the action was for breach of contract in not supplying a certain parish union with two or three hundred *kids* at the time agreed, as per contract. Hearing what was the subject matter contracted for, Park threw himself back into his chair, and with a great assumption of dignity declared he could not, as a Christian judge, give his sanction to such a contract in any way whatever; it was an immoral consideration contracting for the delivery of *children* in that wholesale way, "Really, my lord," interposed the counsel, "I must beg——" "No, no, my dear friend, it is an immoral consideration, bargaining for the delivery of *kids*, as the

contracting parties irreverently term them. I will not sanction any such contract.” “But the *kids* mentioned in this declaration are not children, my lord,” said Humphry. “Then, in heaven’s name, what are they?” asked the judge, in a tone of surprise. “Why, bundles of wood, my lord, which the guardians of the union in question bargained for—they use them as firewood,” Humphry replied.

MR JUSTICE MAULE was on one occasion presiding in the Assize Court at Oakham when he found the court so intolerably hot that he ordered the windows to be opened. Being informed in the blindest manner by the high sheriff’s deputy that the order could not be obeyed, as the windows were made on the principle of not opening, this difficulty, apparently an insurmountable one in the mind of the official, was soon got over by the judge immediately ordering the sheriff’s men to poke their javelins through the panes of glass, so that some fresh air might be obtained. The novel and astounding nature of the order seemed to benumb the faculties of the “javelins.” At length, roused into activity by the reiterated direction of the judge, they began to poke away with right good will, to the intense gratification of the audience, with the exception of one unfortunate individual who contracted with the county for the repairs. When something like thirty-six panes of glass had been smashed, the business of the court, which had been interrupted for a time, was proceeded with.



WHEN Chief Baron Alexander came on the Midland Circuit for the first time he was noticed for his fine portly appearance and round, good-looking face, with a nose which would have been perfect but for the absence of a large piece, presenting the appearance of having been chipped out. Serjeant Goulbourn used wittily to say he never looked at Alexander's face without being reminded of "the Elgin Marbles."

BODKIN and Clarkson, two well-known counsel, were both stout and burly individuals who appeared to carry the greater portion of their cargo in front.

On one occasion they complained to Mr Justice Williams, who was presiding in the Central Criminal Court, that the bench on which they had to deposit themselves was so close to the tables at which they sat that they could not rise without coming into collision with the edge of it. They had often remonstrated, growled Clarkson, without effect, and they hoped his lordship would assist them in obtaining redress.

"I will do what I can for you, Mr Clarkson," said the judge, with a sly twinkle in his eye. "Mr Under-sheriff, I have myself witnessed the inconvenience of which complaint is made, and I trust some arrangement may be made, by excision of the table or otherwise, as your wisdom may devise, to relieve these two *belligerents* from the annoyance to which they are subjected."

WHEN Baron Huddleston first started in his career at the Bar he shared chambers as well as a clerk with another barrister, the latter being the actual lessee of the rooms. Bodkin went one evening to take tea with the future baron, and he particularly noticed the dirty, slovenly appearance of the clerk, who waited upon them, and of whom the host had for the nonce assumed exclusive possession. Bodkin strongly advised Huddleston to insist on a change in the treatment of the youngster's person and apparel, and said it was scarcely decent to have a person in that dingy condition about him. "I do not much like to interfere," was the reply. "He looks upon Mr T. as his master, and, at the utmost, I can't claim more than the half of him." "Then," said Bodkin, "I would at all events make him wash my half of his face."

SIR WILLIAM STAMER, a portly, consequential alderman of the Corporation of Dublin, a magistrate, and the terror of all evildoers, once met with a sharp rebuke at the hands of Lord Chief Baron O'Grady. When sitting as foreman of a jury, he interrupted the Chief Baron, at a critical moment, by vehemently protesting he could no longer endure the intensity of the cold, and begged permission to wear his hat. His lordship, casting an affectedly sympathising glance on the half-frozen baronet, dryly replied: "Sir William, it is not usual for gentlemen to wear their *hats* in courts of justice, but, if a *wig* would answer, I am sure the members of the Bar will kindly accommodate you with a good

fit." The alderman sat down confounded and abashed.

A BARRISTER of doubtful repute having, *faute de mieux*, been employed as counsel for the prosecution in the trial of a pickpocket, assumed on the occasion an imperious air, and took special care to reiterate loudly and frequently, for the information of his lordship, that he was counsel for the Crown. Chief Baron O'Grady bore this patiently for a time, till at last, provoked by his pertinacity, when the pompous little gentleman, elated with the unwonted honour, again exclaimed he was counsel for the Crown, the judge kindly remarked: "Yes, sir; and I believe sometimes for the half-crown too."

CHIEF BARON O'GRADY, of the Irish Exchequer, was not addicted to charging the jury at great length. On the trial of a criminal for stealing stockings, several witnesses deposed to his good character; after which his lordship charged the jury in this concise strain: "Gentlemen of the Jury, here is a most respectable young man, with an excellent character, who has stolen twelve pairs of stockings, and you will find accordingly."

Upon another occasion, on the trial of an action for debt to which the defendant had pleaded as a set-off a promissory note of somewhat long standing, and an old broken-down gig with which he had furnished the plaintiff, the following charge was delivered with great gravity by the learned Chief

Baron :—"Gentlemen of the Jury, this is an action for debt, to which the defendant has pleaded as a set-off two things : a promissory note which has a long time to run, and a gig which has but a short time to run ! The case seems clear—you may find for the plaintiff."

MR BETHELL, an Irish barrister, at the time of the Union published a pamphlet on that much-vexed subject, the policy of the then proposed Union. Mr Lysaght, meeting him, said : "Bethell, you never told me you had published a pamphlet on the Union ; the one I saw contained some of the best things I have ever seen in any of these productions." "I am proud you think so," rejoined the other eagerly ; "pray what was the thing that pleased you so much ?" "Why," replied Lysaght, "as I passed a pastrycook's shop, this morning, I saw a girl come out with three hot mince-pies *wrapped up in one of your productions.*"

A VERY ugly old barrister, arguing a point of practice before Plunket, claimed to be received as an authority. "I am a pretty old practioner, my lord," said he. "An *old* practitioner, Mr B," was Plunket's correction.

IN a trial at Newcastle Assizes before Mr Justice Bayley against a blacksmith for a nuisance, the plaintiff's daughter, a pretty girl, stated that the sparks came in at the window of her bedroom. Serjeant Hullock in cross-examination retorted :

“Nay, where so pretty a girl is, don’t they oftener come in at the door?”

MR JUSTICE GOULD was trying a case at York, and when he had proceeded for about two hours he observed: “Here are only eleven jurymen in the box; where is the twelfth?” “Please you, my lord,” said one of the eleven, “he has gone away about some other business; *but he has left his verdict with me.*”

A STRANGER to the Law Courts, hearing a judge address another judge as “brother,” expressed his surprise. “Oh!” said one present, “they are brothers—*brothers-in-law.*”

A STORY is told of a police magistrate of the name of Smith. He was a pompous man, very attentive to forms, but frequently ignorant how to apply them. The very first day he sat in his public capacity he made a blunder which stuck to him ever after. A man was brought before him charged with picking pockets. Mr Smith seemed to have reflected deeply, and prepared a speech of which he was anxious to deliver himself. He heard the case, therefore, with all the solemnity of a trial for murder. He listened with the profoundest attention to all the evidence, and then, taking a three-cornered hat in his hand, he thus addressed the prisoner with the utmost gravity: “Thomas Styles, you have been found guilty, on the clearest evidence, of the abominable crime of picking pockets. The evidence of the

witnesses has been clear and satisfactory, and no doubt of your heinous guilt remains. It now only remains for me to pass the dreadful sentence of the law. The sentence of the Court on you is, that you be taken hence to the prison at Cold Baths Fields ; that you be there confined for the space of one month, be once privately whipped, before you quit it ; and (putting on the hat, and looking at the prisoner with the most sorrowful countenance) *may God have mercy on your wretched soul.*"

AN Irishman swearing the peace against his three sons thus concluded his affidavit : " And this deponent further saith, that the only one of his children who showed him any real filial affection was his youngest son, Larry, for he *never struck him when he was down.*"

MR JUSTICE WELLS, in charging the jury in a capital case, in defining what was reasonable doubt said : " A man might so cultivate a doubt as not to be able to believe anything. Yet such a doubt was not a reasonable one."

WHEN it was proposed in Parliament to increase the judges' salaries, and the motion was carried by one hundred and sixty-nine to thirty-nine, Charles Townshend said that "*the Book of Judges* had been saved by *the Book of Numbers.*"



BROUGHAM, speaking of the salary attached to a new judgeship, said it was all moonshine. "That may be," replied Lord Lyndhurst; "but I've a notion that, moonshine or not, you would like to see the *first quarter* of it."

ON one occasion an action was brought for the abatement of a nuisance, and Mr Scarlett (afterwards Lord Abinger) was employed for the defence. He began his cross-examination of a lady, the plaintiff's witness, by inquiring tenderly about her domestic relations, her children, and their illnesses. The lady became confidential, and appeared flattered by the kind interest taken in her. Mr Justice Patteson, the judge, interfered with a remark about the irrelevancy of this. Scarlett begged to be allowed to proceed, and on the conclusion of the cross-examination he said: "My lord, that is my case." He had shown on the witness's evidence that she had brought up a numerous and healthy progeny in the vicinity of the alleged nuisance. The jury, amused, as well as convinced, gave a verdict for the defendant.

WHEN CLEAVE, the newsvendor, was tried in the Court of Exchequer on a Government information he conducted his own case and was treated with much indulgence by Lord Lyndhurst, the judge. Cleave began his defence by observing that he was afraid he should, before he sat down, give some rather awkward illustrations of the truth of the adage that "he who acts as his own counsel

has a fool for his client." "Ah, Mr Cleave," said his lordship pleasantly. "Ah, Mr Cleave, don't you mind that adage: *it was framed by the lawyers.*"

**D**URING the legal absence of Mr (afterwards Lord) Campbell on his honeymoon trip with the *ci-devant* Miss Scarlett, Mr Justice Abbott observed when a cause was called on in the Court of King's Bench: "I thought, Mr Brougham, that Mr Campbell was in the case." "Yes, my lord," replied Mr Brougham; "he was, my lord; but I understand he is ill." "I am very sorry to hear that," said the judge. "My lord," retorted Mr Brougham, "it is whispered that the cause of my learned friend's absence is *the scarlet fever.*"

**M**R JUSTICE MAULE, in summing up a case of libel, and speaking of a defendant who had exhibited a spiteful piety, observed: "One of these defendants is, it seems, a minister of religion; of *what* religion does not appear; but, to judge by his conduct, it cannot be any form of Christianity."

**M**R JUSTICE MAULE was in the act of passing sentence upon a man when the governor of the county gaol came to the table to deliver some calendars to members of the Bar, and in so doing passed between the prisoner and the judge, who thereupon intimated to the governor that, in doing so, he had outraged one of the best-known conventional rules of society. "Don't you know," said the judge, "you ought never to pass

between two gentlemen, when one gentleman is addressing another?" The offender against this conventional rule apologised and retired, whereupon the judge sentenced the other gentleman to seven years' transportation.

THE following story is illustrative of the law's delay. When the first cargo of ice was imported into England from Norway, there not being such an article in the custom-house schedules, application was made to the Treasury and to the Board of Trade; after some delay it was decided that the ice should be entered as "dry goods," but the whole load had melted before the cargo was cleared.

LORD ELDON lent two large volumes of precedents to a friend, and could not recollect to whom. In allusion to such borrowers he observed that, "though backward in *accounting*, they seemed to be practised in *book-keeping*."

MR F. E. SMITH, K.C., has a habit of putting his hands in his pockets when addressing the House of Commons or a public meeting. On one occasion one of his audience interrupted him at a political meeting by moving: "That Mr Smith take his hands out of his trouser pockets." Mr Smith, naturally, was a little riled, and flatly refused.

"Then," said the interrupter, "I can only say that you'd look more like a lawyer if you had your hands in some other person's pockets."

**L**ORD MERSEY (better known as Mr Justice Bigham, Divorce and Admiralty Judge) tells a story of a lady who said of him, when he was first appointed to the Admiralty Division: "Dear me! Is he going to the Admiralty Division? How very nice! I do trust that he will see that we have a strong navy."

**A** LEARNED counsel prided himself on his youthful appearance, and boasted that he looked twenty years younger than he was. On one occasion he was cross-examining a very prepossessing and uncommonly self-possessed young woman as to the age of a person whom she knew quite well, but could get no satisfactory answer. "Well," he persisted, "but surely you must have been able to make a good guess at his age, having seen him so often?" "People don't always look their age," she replied. "No," said counsel; "but you can generally form a good idea from their looks. Now, how old should you say *I* am?" "Well," retorted the witness, "you might be sixty by your looks, but judging by the questions you ask I should say about sixteen."

**I**N an action tried before Mr Justice Darling, claiming payment for dresses and various articles of clothing, alleged to have been bought by the defendant—a well-known gentleman—for a lady of his acquaintance, a list of the articles bought was read by the plaintiff's counsel, Mr Marshall Hall, K.C. One of the articles had the

letters "D. J." as part of its description. Mr Marshall Hall remarked that these letters reminded him of a law report, Mr Justice Darling appearing in official law reports as "Darling, J."; J. standing for Judge. Mr Justice Darling replied: "They look much more like *Don Juan*."

SIR EDWARD CLARKE, K.C., besides being eminent in the law, is an accomplished musician and a fine sculler. He once broke a friend's pianoforte, and hence, when he accepted an invitation for a river picnic, with music, he was admonished to be "less athletic on the piano, and more harmonious on the water."

WHEN Sir Horace Davey was made a Lord Justice of Appeal, his clerk must have been one of the most disappointed men in England—Sir Horace's income amounting at the time to an enormous sum. "Well, I did think," said the unfortunate clerk—"I *did* think that Sir 'Orris had a couple more years' work left in him!"

THE dignitaries of the Common Law Bench, when non-juries were first introduced, at times took strange views of their novel task. A case was tried at Winchester, in which the lady manageress of an hotel sued for slander, the imputation being that she fortified herself for the discharge of her duties with too much liquid. The judge was one of the most learned on the Bench, but he had little or no experience of the standard of temperance

applicable to a plaintiff in her position, and he gave judgment as follows :—"This case ought to have been tried before a common jury, and I cannot conceive why it was not. If it had been, I know what the jury would have said. They would have said so and so, and so and so. *They would have been quite wrong.* But here am I sitting in the place of a common jury ; and I think, on the whole, I ought to find what I believe they would have found." So he found it !

COUNSEL in the olden days were wont to employ the most extravagant terms in speaking of their clients. "Gentlemen of the Jury," Lord Erskine is reported to have once said at Guildhall, "the reputation of a cheesemonger in the City of London is like the bloom upon a peach : breathe on it, and it is gone for ever !"

SERJEANT BALLANTINE, once, in answer to an inquiry as to the nature of the case on which he was engaged, said : "Oh ! it is the usual thing. My client has been convicted three times of fraud, and now brings his action—very properly—to vindicate his character."

AN amusing circuit story is told of Lord Chief Justice Jervis. A hospitable peer had invited judge and Bar to dinner. All dined freely, and the conversation after dinner got a little mixed. As a consequence, a somewhat priggish leader, the next morning, got the chance of taking to task a fellow-



silk-gownsmen, whose exceptional talents were not accompanied by sufficient control in such matters—who, indeed, had to resign the ermine, to which he brought rare judicial faculties, dying from broken health soon afterwards. “I say, Honymen, do you know what you did last night?” “No, my dear fellow. What was it?” “You called the judge a damned fool, and must of course apologise.” “Not a doubt about that. Here goes”:

“DEAR CHIEF JUSTICE,—I have just heard with great concern that last night after dinner I spoke to your lordship in a way which I never intended, and I am sure you will overlook.”

And the letter went to the Bench straight. It was an interesting “breach of promise” case, and the lady was in the box under torment, but Jervis stopped the session, turning to write thus:

“MY DEAR HONYMAN,—Your letter has removed a great weight from my mind. Until I got it, I held the idea that I had applied the term to you, and was considering how to ask *your indulgence*.”

**I**NJUNCTIONS have been granted in the most extraordinary places. Mr Justice Stephen has given one in a cab at Piccadilly Circus, being accidentally spotted, and cabby hailed to stop; Mr Justice Hawkins has done the same on Brighton Pier.

MR JUSTICE HAWKINS was once applied to, with hand to uplifted ear, by a person seeking to be let off a jury on the ground of deafness. The judge's lips uttered in a whisper: "You may go." "Thank you, your lordship," came out at once; but the quick return was "into that box, sir." And a very good and attentive jurymen he proved to be.

IT is related that at Palmer's trial, during the proceedings, the black cap fell from the judge's desk on to the court floor. A ghastly hush ensued, during which a grim whisper was heard from Cockburn: "Ten to one on the rope."

AN application was once made to Sir Henry Hawkins by a Jew whose son had just received a severe sentence for perjury. "Ah, sir, my son is the very best boy in the world for de trut! He always spoke de trut, and sometimes he was so fond of it that he would tell more than de trut."

MR GLASSE, Q.C., who led the Chancery Court by the nose *tempore* Malins, the much-appealed from, was once in consultation, and said with great glee: "My dear sir, we shall *win*; there is but one case against us; the only report of it is in our library, *and I am sitting on it.*"

MR DICKENS, K.C., was once imported into the Chancery Court for the sole purpose of smashing up the evidence of a certain witness whose testimony was considered to be of vital importance

to the case. In cross-examination he confronted the witness with an affidavit sworn to by him, which was in direct contradiction to his evidence. Being asked how he accounted for this difference he replied : “ I have sworn such a lot lately that I *don't know what I haven't sworn.*”

AN application for an immediate injunction was being made before a Divisional Court, consisting of Mr Justice Darling and Mr Justice Bigham, just as the Court was rising for the day. The Court expressed its inability to hear the application, but Mr Justice Darling advised counsel to hang about the judges' entrance and capture a judge to hear his application, on which Mr Justice Bigham (now Lord Mersey) quietly remarked : “ I—shall—not—tell—you—by—*which—door—I—am—leaving.*”

MR BEST, a well-known counsel in the Criminal Courts, was generally briefed to defend practically hopeless cases of murder. On one occasion he was defending one of these cases before Mr Justice Hawkins, who, dearly loving a joke, caused to be delivered to counsel in court a large black-bordered official envelope, which on being presented to him he opened, and drew out *a pair of black gloves and a mourning hatband.*

TO a lady who said that a certain eminent counsel, though a Radical M.P., was a Tory at heart, Lord Justice Mathew replied : “ Yes, and at head.”

A BAILIFF who had been compelled to swallow a writ, rushing into Lord Norbury's court to proclaim the indignity done to justice in his person, was met by the expression of a hope that the writ was "*not returnable* in this court."

LORD YOUNG, a Scotch judge, is the author of a famous *bon mot*. A testimonial was proposed to a brother judge who was retiring from the Bench, and who was a man of small dimensions, and the question was what form it should take. "Oh," said his lordship, "give him a life-sized statuette."

THE name of Sir Francis Jeune has produced at least one good pun. It was asked why marriages in May are unpopular; the reply being: "Because they come before Jeune."

A GOOD story is told of the Lord Chief Justice. A man of his year went up to their old college, and chatted with their old servant. The latter ran through "the good men"—*i.e.* the sportsmen—of that day, and remarked, *inter alia*: "Then there was Mr Webster, a good man when he was up here. *I haven't heard what's become of him.*"

IN the north window of the Middle Temple Library, which was built by Lord Westbury's brother-in-law, there appear the coats-of-arms of all the then benchers—among them a red boar, the crest of Mr O'Malley, one amongst many of the Chancellor's special aversions. When inspecting the window Lord

Westbury asked the librarian with a malicious smile : “ Whose cognisance may that be ? ” “ Master O’Malley’s, my lord.” “ What might you call it, now—a red pig ? ” “ It looks so, my lord.” “ Dear me ! *How very appropriate for a sanguinary bore,*” was Lord Westbury’s comment.

WHEN Baron Martin was at the Bar, and addressing the Court of Exchequer in an insurance case, he was interrupted by Baron Alderson observing : “ Mr Martin, do you think any office would insure your life ? Remember, yours is a *brief* existence.”

A LEARNED judge being asked the difference between law and equity courts replied : “ At common law you are done for at once ; at equity you are not so easily disposed of. One is *prussic acid*, and the other *laudanum*.”

A STORY is told of a house seeming irretrievably on fire, until the flames, coming in contact with the folio Corpus Juris and the Statutes at Large, were quite unable to get over this joint barrier, and sank defeated.

A WITNESS in the Druce case said : “ I knew the diary because it looked so very old—as if it had come out of the Ark.” “ Oh ! ” said Mr Plowden, the magistrate, “ I suppose you knew that by the *watermark*.”

SOMEONE told Lord Young that the House of Lords had, on appeal, affirmed a decision of his. "It may be right for all that," said his lordship.

CHIEF JUSTICE HOLT having committed to prison certain members of a sect of fanatics, another member called upon him and addressed him thus : " I come to you, a prophet from God, who hath sent me to thee, and would have thee grant a *nolle prosequi* for John Atkins, His servant, whom thou hast cast into prison." To whom the judge replied : " Thou art a false prophet and a lying knave ! If God had sent thee it would have been to the Attorney-General, for He knoweth that it belongeth not to the Chief Justice to grant a *nolle prosequi* ; but I, as Chief Justice, can grant a warrant to commit thee to bear him company." And he did.

A GOOD story of Lord Morris is the following :— Counsel for plaintiff had been " buttering " the jury for their great moral and intellectual virtues, which were reflected in their countenances, and counsel for defendant had even gone one better. When it came to the judge's turn he repeated what the learned gentlemen had said, adding : " All this may be true, gentlemen ; but you don't *look it*."

AT Hertford Assizes two men were indicted for stealing ducks. The owner, a farmer, had seen them take the quarry from a pond, had followed them, kept them in sight till they entered their home,



where a few minutes later they were discovered in bed, clothed and booted, while the ducks were hanging dead but warm on the wall. The bucolic prosecutor was slightly confused by Denman in cross-examination as to the identity of the birds ; the men were acquitted. The farmer got up and said : “ Beg pardon, my lord, how about the ducks ? ” Denman at once rose and said : “ My lord, my clients instruct me to say that in the event of the prosecutor taking possession of the ducks they will not maintain an action for trover against him.”

**M**R JUSTICE DENMAN, on one occasion, when on circuit at Maidstone, defended a prisoner who was charged with stealing and receiving. At that time both the counts for these two offences could not be included in the same indictment, and the accused was tried separately on each. In the first case Denman argued that the facts against his client, if they pointed to anything, pointed to *receiving*, and the man was acquitted ; whereupon in the second he argued that if it was anything it was a case of *stealing*, with the same result.

**L**ORD JUSTICE A. L. SMITH occasionally sat with his brother magistrates at Chichester. Some new J.P.’s were sworn and took their seats on the Bench for the first time. One of them was noticed to be coaching the Lord Justice throughout the whole of the proceedings !

**L**ORD JUSTICE BOWEN, on one occasion, when about to sit in the Admiralty Court, remarked that he was diffident of his ability to do the work, and concluded by saying: "And may there be no moaning at the Bar, when I put out to sea."

**M**R BIRRELL, K.C., tells a good story of an eminent Chancery practitioner, afterwards a vice-chancellor, who, on being informed on one occasion that the actual suitor in a litigation wished to attend consultation, roughly forbade his doing so, saying: "I will have no flesh and blood in my chambers."

**A** PRISONER was defending himself well to the jury, but Lord Alverstone, not being able to hear him well, said: "What was your last sentence?" "Six months," was the prompt reply.

**L**ORD CHIEF JUSTICE RUSSELL in his early days at the Bar, when only a stuff gownsman, was asked in court one day by a brother barrister what was the extreme penalty for bigamy. "*Two mothers-in-law*," instantly replied Russell.

**L**ORD JUSTICE MATHEW once remarked to a Scotchman whose conduct he had occasion to criticise very severely: "You are a Scotchman in the worst sense of that opprobrious term."

A GOOD story is told of Mr Justice Darling when at the Bar. On one occasion, when a junior, he was engaged in a case at sessions which lasted long after the court usually adjourned for the day. At five P.M. Mr Darling was still proceeding with his oration. "Do you notice the hands of the clock, Mr Darling?" said the chairman blandly. "They seem to me, sir," counsel replied, "to be in their normal position at this time of the day."

MR JUSTICE LAWRANCE, who was an ardent golfer in his younger days, told the following story against himself. A boy appeared before him as a witness, and on the learned judge asking him if he was acquainted with the nature of an oath the youth promptly replied: "Of course I am; ain't I your caddie?"

AN amusing incident happened in a case where a prisoner was dissatisfied with the efforts of his counsel. "Why," he complained, "'e don't know nothink abaht it!" Whereupon the judge informed him that he might conduct his own defence if he so wished. He elected to do so, and strangely enough was acquitted. "Had counsel conducted your defence," remarked his lordship, "you would certainly have been convicted."

ON 3rd March 1904 there were so many judges sitting in the King's Bench—fourteen—that they did not know what to do for room, so one, Mr Justice Swinfen Eady, had to go away.

MR JUSTICE HAWKINS had on one occasion to test whether a boy witness understood the nature of an oath. In the course of his questions he said to the boy: "If I were to say you had an orange in your mouth, would that be the truth?" "No, it would be a lie." "And if I said you had one in your hand?" "That would be another lie." "And if I promised you a bag of oranges and then didn't give them to you, what would that be?" "That would be a lie." "And if I did give them to you?" "That would be the truth?" "Very well, I will." And he did.

ON one occasion, after sitting next to a high sheriff, of whose presence he was made unpleasantly aware, Lord Justice Mathew remarked: "I now know what a *high* sheriff is!"

SIR GEORGE JESSEL, when a junior, was once appearing before a judge who was not very friendly towards him, and who suddenly stopped with the remark: "Mr Jessel, I think I see your point, and I believe the jury appreciate it, so you may go to the next." "If your lordship only *thinks* you see it," was the prompt reply, "and only *believes* the jury does, I had better go over it again"—which he did.

LORD JUSTICE HOLT in early life was very dissipated, and belonged to a club of wild fellows most of whom led an infamous life. One day, when his lordship was engaged at the Old Bailey, a man was convicted of highway robbery, whom the

judge remembered to have been one of his old companions. Moved by curiosity, Holt, thinking the prisoner did not recognise him, asked what had become of his old associates. The prisoner, making a low bow, and heaving a deep sigh, replied : “ Ah ! my lord, *they are all hanged but your lordship and me.*”

LORD ELDON<sup>r</sup> mentions a case of murder in which he was counsel, where for a long time the evidence did not appear to touch the prisoner at all, who looked about him with the most perfect unconcern, thinking himself quite safe from a conviction. At last the surgeon was called, who stated deceased had been killed by a shot, a gunshot in the head ; and he produced the matted hair, and stuff cut from and taken out of the wound. It was all hardened with blood. A basin of warm water was brought into court, and, as the blood was gradually softened, a piece of printed paper appeared—the wadding of the gun, which proved to be the half of a ballad. The other half had been found in the man’s pocket when arrested. Needless to relate, he was hanged.

THE same judge tells a story of a man arrested for murder twelve years after its committal. He had made his escape ; and, though every search was made, he could not be found. Twelve years afterwards the brother of the murdered man was at Liverpool in a public-house. He fell asleep and was awakened by someone picking his pocket ; he

started, exclaiming: "Good God! the man that killed my brother twelve years ago!" Assistance came to him, the man was secured, tried and condemned. He had enlisted as a soldier and gone to India immediately after the deed was committed; he had just landed at Liverpool, on his return, when his first act was to pick the pocket of the brother of the man he had murdered twelve years before. It was very extraordinary that the man waking out of his sleep should so instantly know him.

A CASE was tried in a County Court in an action for detainment of a donkey. The plaintiff was a costermonger, and the defendant a costermonger also. They appeared for themselves. At one o'clock the judge said: "Now, my men, I'm going to have my lunch, and before I come back I hope you'll settle your dispute out of court." When the judge returned into court the plaintiff came in with a black eye, and the defendant with a bloody nose, and the defendant said: "Well, your Honour, we've taken your Honour's advice: Jim's given me a damn good hiding, and I've given him back his donkey!"

A FARMER once took his son into an Assize Court in a provincial town. On the Bench was Baron Cleasby, gorgeous in scarlet and ermine, statuesque and motionless. The yokel gasped with open mouth as he gazed at the resplendent figure on the round dais. Suddenly the Baron moved his



head from right to left, and left to right ; “ Whoy, feyther,” said the boy, “ it’s aloive ! ” He thought “ it ” was a waxwork.

A BARRISTER named Lee was famous for studying effect when he pleaded. On a circuit at Norwich a brief was brought to him by the relatives of a woman for breach of promise of marriage. Lee inquired, among other particulars, whether the woman was handsome. “ A most beautiful face,” was the answer. Satisfied with this he desired that she should be placed in the court in front of the jury. When he rose, he began a most pathetic and eloquent address, directing the attention of the jury to the charms which were placed in their view, and painting in glowing colours the guilt of the wretch who could injure so much beauty. When he perceived their feelings worked up to a proper pitch, he sat down under the perfect conviction that he should obtain a verdict. What, then, was his surprise when the counsel retained by the opposite party rose and observed that it was impossible not to assent to the encomiums which his learned friend had lavished on the face of the plaintiff ; but he had forgotten to mention the fact that she had *a wooden leg*. This fact, of which Lee was not aware, was established, to his utter confusion. His eloquence was thrown away ; and the jury, who felt ashamed of the effect it had produced upon them, instantly gave a verdict against his client.

WHEN the Earl of Bradford was brought before the Lord Chancellor, to be examined on the application for a statute of lunacy against him, the question was asked him from the Woolsack: "How many legs has a sheep?" "Does your lordship," answered Lord Bradford, "mean a live sheep or a dead sheep." "Is it not the same thing?" said the Chancellor. "No, my lord," returned Lord Bradford; "there is much difference; a live sheep may have four legs, a dead sheep has only two: the two fore legs are shoulders; there are only two legs of mutton."

A WITNESS dressed in a fantastical manner, having given very rambling and discreditable evidence, was asked in cross-examination what he was; to which he replied: "I employ myself as a surgeon." On which Lord Ellenborough, then Chief Justice, remarked: "*But does anyone else employ you as a surgeon?*"

JUSTICE GRAHAM was the most polite judge that ever adorned the Bench. On one occasion it is said he had hastily condemned a man, who had been capitally convicted, to transportation. When the clerk of the court in a whisper set him right, "Oh!" he exclaimed, "criminal, I beg your pardon; come back." And putting on the black cap courteously apologised for his mistake, and consigned him to the gallows, to be hanged by the neck until he was dead.

AN eminent barrister, observing a rustic witness, whom he was about to cross-examine, particularly thoughtful, addressed him thus: "Come, Mr Bacon Face; what are you thinking about?" The countryman, pausing a little, scratched his head, and coolly replied: "I be just a-thinkin', your Honour, what a fine dish my bacon face and your calf's head would make."

ERSKINE'S treatment of a commercial traveller who appeared in the witness box dressed in the height of fashion, and wearing a starched white necktie folded with the "Brummell fold," is worth recording. In an instant reading the character of the man, on whom he had never before set eyes, and knowing how necessary it was to put him in a state of extreme agitation and confusion before touching on the facts concerning which he had come to give evidence, Erskine rose, surveyed the coxcomb, and said with an air of careless amusement: "You were born and bred in Manchester, I *perceive*." Greatly astonished at this opening remark, the man answered nervously that he was "a Manchester man—born and bred in Manchester." "Exactly," observed Erskine, in a conversational tone, and as though he were imparting information to a personal friend; "exactly so; I knew it from the absurd tie of your neckcloth." The roars of laughter—coming from every person in court with the single exception of the unfortunate witness—which followed this rejoinder so completely effected the speaker's

purpose, that the confounded bagman could not tell his right hand from his left.

VERY effective was Erskine's sharp question put quickly to the witness who, in an action for payment of a tailor's bill, swore that a certain dress coat was badly made—one of the sleeves being longer than the other. "You will," said Erskine slowly, having risen to cross-examine, "swear—that one of the sleeves was—longer—than the other?" *Witness*: "I do swear it." *Erskine* (quickly, and with a flash of indignation): "Then, sir, I am to understand that you positively deny that one of the sleeves was *shorter* than the other?" Startled into a self-contradiction by the suddenness and impetuosity of this thrust the witness said: "I do deny it." *Erskine* (raising his voice as the tumultuous laughter died away): "Thank you, sir; I don't want to trouble you with another question."

A CASE being laid before Erskine by his {old friend the Marquis of Queensberry—better known as "Old Q."—as to whether he could sue a tradesman for breach of contract about the painting of his house, and the evidence being totally insufficient to support the case, Erskine wrote thus: "I am of opinion that this action will not *lie*, unless the *witnesses do*."

AN amusing story is told concerning Curran, who is said to have received a call, before he left his bed one morning, from a gentleman whom he had cross-examined with needless cruelty and

unjustifiable insolence on the previous day. "Sir," said this irate man, presenting himself in Curran's bedroom, and rousing the barrister from slumber to a consciousness that he was in a very awkward position, "I am the gentleman whom you insulted yesterday in his Majesty's Court of Justice, in the presence of the whole county, and I am here to thrash you soundly!" Thus speaking, the Herculean intruder waved a horsewhip over the recumbent lawyer. "You don't mean to strike a man when he is lying down?" replied Curran. "No, bedad; I'll just wait till you've got out of bed, and then I'll give it to you sharp and fast!" Curran's eye twinkled mischievously as he rejoined: "If that's the case, by gad! I'll lie here all day." So tickled was the visitor that he dropped his horsewhip, and roaring with laughter asked the barrister to shake hands.

A MAN having been convicted of petty larceny was brought up for sentence. He looked very sad and miserable. "Have you ever been sentenced to imprisonment?" the judge asked. "Never! Never!" exclaimed the prisoner, bursting into tears. "Don't cry; don't cry," said the judge consolingly; "you're going to be now."

AN old witness named *Elm*, having given his evidence with remarkable clearness, although he was more than eighty years of age, Lord Mansfield examined him as to his habitual mode of living, and found that he had throughout life been an early riser, and a singularly temperate man. "Ay," observed the Chief Justice, in a tone of approval,

"I have always found that, without temperance and early habits, longevity is never attained." The next witness, the *elder* brother of this model of temperance, was then called, and he almost surpassed his brother as an intelligent and clear-headed witness. "I suppose," observed Lord Mansfield, "that you also are an early riser?" "No, my lord," answered the veteran stoutly; "I like my bed at all hours, and special-*lie* I like it of a morning." "Ah! but, like your brother, you are a very temperate man?" quickly asked the judge, looking out anxiously for the safety of the more important part of his theory. "My lord," responded this ancient Elm, disdaining to plead guilty to a charge of habitual sobriety, "I am a very old man, and my memory is as clear as a bell, but I can't remember the night when I've gone to bed without being more or less drunk." Lord Mansfield was silent. "Ah! my lord," counsel exclaimed, "this old man's case supports a theory upheld by many persons, that habitual intemperance is favourable to longevity." "No, no," replied the Chief Justice, with a smile; "this old man and his brother merely teach us what every carpenter knows—that Elm, whether it be wet or dry, is a very tough wood."

A JUROR having applied to the judge to be excused from serving on account of deafness, the judge asked him: "Could you hear my charge to the jury, sir?" "Yes, I heard your honour's charge," said the juror; "but *I couldn't make any sense out of it.*" He was excused.



LORD MANSFIELD was presiding at a trial consequent upon a collision of two ships at sea, when a common sailor, whilst giving evidence, said : "At the time I was standing abaft the binnacle." Whereupon his lordship, anxious to master the facts of the case, observed : "Stay, stay a minute, witness. You say that at the time in question you were '*standing abaft the binnacle.*' Now, tell me, where is '*abaft the binnacle*' ?" This was too much for the gravity of the "salt," who immediately before going into the witness-box had taken a copious draught of neat rum. Removing his eyes from the Bench, and turning round upon the crowded court with an expression of intense amusement, he exclaimed at the top of his voice : "He's a pretty fellow for a judge ! Bless my damned old eyes ! you have got a pretty sort of landlubber for a judge ! He wants me to tell him where *abaft the binnacle* is !" Not less amused than the witness, Lord Mansfield rejoined : "Well, my friend, you must fit me for my office by telling me where *abaft the binnacle* is : you've already shown me the meaning of *half seas over* !"

FEW stories relating to witnesses are more laughable than that which describes the mathematical process by which Mr Baron Perrot arrived at the value of certain conflicting evidence. "Gentlemen of the Jury," this judge is reported to have said, in summing up the evidence in a trial where the witnesses had sworn with noble tenacity of purpose, "there are fifteen witnesses who swear that the watercourse used to flow on the south side of the

hedge, on the other hand, gentlemen, there are nine witnesses who swear that the watercourse used to flow on the north side of the hedge. Now, gentlemen, if you subtract nine from fifteen, there remain six witnesses wholly uncontradicted ; and I recommend you to give your verdict for the party who called those six witnesses."

**L**ORD CHELMSFORD, when Sir Frederick Thesiger, was engaged in conducting a case, and objected to the irregularities of a learned serjeant who, in examining his witnesses, repeatedly put leading questions. "I have a right," maintained the serjeant doggedly, "to deal with my witness as I please." "To that I offer no objection," retorted Sir Frederick ; "you may *deal* as you like, but you sha'n't *lead*."

**S**OME years ago a judge was sitting in the Four Courts, Dublin, when he was sorely distressed by a noise coming from another part of the building which was under repair. At last he could stand it no longer. "Usher," he cried, "find out what the noise is that's going on, and have it stopped." "My lord," said a junior counsel, bobbing up suddenly, "I understand it's only somebody *filing affidavits* in the next court."

**O**N one occasion Lord Chancellor Clare, while Curran was addressing him in a most important case, occupied himself with giving too much attention to a favourite Newfoundland dog seated by him in

court. Curran having ceased speaking through indignation, Lord Clare raised his head, and asked : “ Why don’t you proceed, Mr Curran ? ” “ *I thought your lordships were in consultation,*” replied Curran.

LORD THURLOW, when a young barrister, was generally in an impecunious condition, and having to go on the Western Circuit was sorely perplexed as to how to provide himself with a horse whereon to ride. In his trouble he called on a horse dealer, and, in the confident tone of a man who, without inconvenience, could at his own cost put a cavalry regiment in the field, intimated that he stood in need of a very superior roadster. As to price, money was an affair of complete indifference to him, so long as he could get a really desirable animal. “ Show me a horse that you can recommend ; and if I like him, *after trial*, I’ll have him at your own price.” What could mortal dealer do but consent to this proposal, coming from the imperious young man who was destined to rule our hereditary legislators with insolent despotism ? Forthwith a strong and serviceable hackney was saddled, which the young barrister immediately mounted. The trial lasted longer than the dealer thought fair. Instead of returning to the stables in the course of the afternoon Thurlow rode off to Winchester, and when the owner of the steed again looked upon his property the creature had visited every town on the Western Circuit. Together with the horse the dealer received a note from Thurlow intimating that “ the animal, notwithstanding some good points, did not altogether suit him.”

AN amusing scene occurred at a county assize in a case heard before Mr Baron Bolland. A farmer claimed exemption from the duties of a juror on the ground that he was deaf.

“Are you *very* deaf?” inquired his lordship, raising his voice and addressing himself to the farmer, who stood up at the time in the witness box. The farmer was silent. “He does not hear your lordship,” observed one of the officers of the court. “Are you *very* deaf?” repeated the judge, shouting as loudly as his lungs would permit. “*Werry*, please your lordship,” answered the farmer dryly. “Are you deaf in both ears?” asked the judge. “Did your lordship speak?” inquired the farmer, looking at the judge with an irresistibly droll expression of countenance. “I asked you if you were deaf in both ears,” repeated his lordship, again speaking at the full stretch of his voice. “I can hear a little with one ear, my lord, when I turns about the side of my head to the person speaking.” “Oh, in that case,” said the judge, speaking in a very low tone of voice, “we must exempt you; for jurors must have two ears—one for the prosecutor and one for the prisoner. You may go.”

The farmer nodded thanks to the Court, and was in the act of descending from the witness box when his lordship observed, again speaking in a low tone of voice: “Oh! you hear that, do you?” “Oh yez, my lord; I hear *that*,” answered the farmer. “With *both* ears, I dare say?” added his lordship. “Oh yez; with both on ’em,” replied the farmer, amidst shouts of laughter, in which the judge heartily joined.

LORD THURLOW was hardly famed for his courtesy, as the following story tends to prove. A solicitor had made a series of statements in a vain endeavour to convince his lordship of a certain person's death. "Really, my lord," at last the solicitor exclaimed, goaded into a fury by Thurlow's repeated ejaculations of: "That's no proof of the man's death," "Really, my lord, it is very hard, and it is not right, that you won't believe me. I saw the man dead in his coffin. My lord, I tell you he was my client, and he is dead." "No wonder," retorted Thurlow, with a grunt and a sneer; "*since he was your client*. Why did you not tell me that sooner? It would kill me to have such a fellow as you for my attorney."

ANOTHER story of the same irate Lord Chancellor is as follows:—One morning, on crossing the threshold of his Ormond Street house, he was incensed at seeing a load of paving stones placed before his door. Singling out the tallest of a score of Irish workmen who were repairing the road, he poured upon him one of those torrents of curses (with which his most insolent speeches were usually preluded,) and then told the man to move the stones away instantly. "Where shall I take them to, your Honour?" the man inquired. From the Chancellor another volley of blasphemous abuse ending with: "You lousy scoundrel, take them to hell! Do you hear me?" "Have a care, your Honour," answered the workman, with quiet drollery; "don't you think, now, that if I took 'em to the other place your Honour would be less likely to fall over them?"

“ I N Cork,” says O’Connell, “ I remember a supernumerary crier, who had been put in the place of an invalid, trying to disperse the crowd exclaiming with a stentorian voice : ‘ All you blackguards that isn’t lawyers lave the court entirely, or, by the powers, I’ll make ye ! ’ ”

A COMPLAINT was once made to Lord Bowen of a learned colleague who sometimes when on the Bench took a prolonged nap after lunch, and on waking up at half-past three promptly adjourned the Court. “ It is as it should be,” Bowen replied ; “ he obeyed the hymn, ‘ Shake off dull sloth and early rise.’ ”

A BROTHER judge having remarked to Bowen that the Chief Justice with whom he had been sitting in *banc.* had recently been more wakeful than usual, Bowen remarked that he had himself observed that the chief had of late been troubled with occasional attacks of insomnia.

WHEN the Law Courts were about to be opened by Queen Victoria, the judges met to consider the terms of the inevitable address to her Majesty. The draft contained the expression, “ Conscious as we are of our many shortcomings,” and to this several of the judges demurred. “ Suppose,” Bowen quietly suggested, “ that we substitute ‘ Conscious as we are of *each other’s* shortcomings.’ ”



A GOOD joke was perpetrated on the names of Mr Justice Lush and Mr Justice Shee, who were appointed judges about the same time. Mr Justice Lush almost to the end of his days continued the old-fashioned habit of finishing his bottle of port after dinner. Perhaps it was a recollection of this habit which in Westminster Hall, on 2nd November 1865, suggested a joke on his name as well as on that of his colleague, Mr Justice Shee. As the new judges walked up the hall there were loud cheers of : "Lush and Shee !" "Lush and Shee ?" said a bystander. "That is the old toast of 'Wine and Women.' "

WHEN Mr Justice Byles was at the Bar he had a horse, or rather a pony, which used to arrive at his chambers in King's Bench Walk every afternoon at three o'clock. Whatever his engagements Mr Byles would manage, by hook or by crook, to take a ride, generally to Regent's Park and back, on this animal, the sorry appearance of which was the amusement of the Temple. This horse was sometimes called "Bills," to give opportunity for the combination : "There goes Byles on Bills" ; but tradition says this is not the name by which its master knew it. He, or he and his clerk between them, called the horse "Business," and when a too curious client asked where the serjeant was, the clerk answered with a clear conscience that he was "Out on Business."

ON one occasion Mr Justice Byles was trying a prisoner for stealing. A medical witness was called, who said that, in his opinion, the accused was

suffering from kleptomania, "and your lordship, of course, knows what that is." "Yes," said Byles quietly ; "it is what I am sent here to cure."

**A**N attempt was once made to bribe Baron Martin by a prisoner who evidently knew of the Baron's sporting proclivities. The prisoner had been convicted, and on being called upon before sentence he said : "I hope your lordship will not be too hard upon me ; and perhaps your lordship would accept a beautiful game-cock I have at home." The judge put his hand before his mouth to hide his laughter, and then passed a sentence which was not severe, adding : "Mind, you must not sent me that game-cock."

**A**GOOD story is told of Holker, who, when Attorney-General, was one day leaving the House of Commons when he was addressed by two strange ladies, who asked him to show them the House. He politely led the way, duly pointing out the objects of interest. At the end one of the ladies handed him a sixpence, which the Queen's Attorney-General accepted with a low bow, and afterwards hung upon his watch-chain, declaring it was the only sixpence which he could safely say he had honestly earned.

**J**ESSEL, Master of the Rolls, was in the habit of dropping his "h's." An odd story arises out of this habit of his. When a barrister, he was cross-examining a French witness through an interpreter, in a patent case, in regard to a certain chemical compound of a

poisonous character. "If you 'eat it?" asked Jessel. "Si vous le mangez?" echoed the interpreter. "Mangez!" said the witness, lifting up his hands in horror. "Mais, ce n'est pas pour manger." It was some time before Jessel could get on sufficiently good terms with the evasive letter to induce the interpreter to ask what would happen "Si vous l'échauffez?"

KARSLAKE, who had held the offices both of Solicitor-General and Attorney-General, was habitually consulted by Lord Cairns in regard to men at the Bar who applied to him for appointments, and whom Karlake was likely to know. Cairns' secretary arrived at Karlake's chambers one afternoon when he was surrounded by his friends in the middle of a tale. "The Chancellor wants to know what you think of Bateson of the Western Circuit," asked the secretary. "Bateson?" said Karlake. "Why, he was the cleverest man I ever knew. I'll tell you why presently, but let me finish this story first." He finished the story, and then turning in the direction of his new visitor said: "Now, Graham, I will tell you why I think Bateson the cleverest man I ever knew." But the secretary was gone. "Well," said Karlake, "I will tell you fellows the reason, because it is rather a good story. The fact is that Bateson was the only man who ever robbed me of a fee. That is why I call him the cleverest man I ever knew." Thereupon he proceeded to relate how Bateson had been an attorney on his circuit, and how he had owed Karlake fees and by some ingenious shift avoided paying them.

Meanwhile the Chancellor's secretary, who was too busy a man to wait and hear stories, posted off to the Chancellor, and reported that it was all right about Bateson, for Karslake had said he was the cleverest man he ever knew. So the lucky Bateson was made a County Court judge, and never knew that he owed his place to the neglect of a chancellor's secretary to wait for the end of a story.

SIR HARRY POLAND, K.C., in a lecture he once delivered on the Criminal Law, mentioned that he had seen at the end of the first day's trial for embezzlement "*the jury locked up for the night, and the prisoner let out on bail.*"

THE following story is told of Judge Willis, apropos of his migration from Norfolk to Southwark. He was riding in an omnibus, in which were a small boy and his mother, from Chancery Lane to a well-known stopping point of the route, "The Green Man." The judge talked to the boy the whole way, and was talking when the conductor put his head in at the door and said: "Green Man, Green Man!" "Ah," said the judge, "I must get out here; I always get out at 'The Green Man.' " "Don't you think," said the boy's mother, "*don't you think you have had enough already?*"

LORD JUSTICE MATHEW was an exceedingly merciful as well as good criminal judge. He always kept an eye on the prisoner's future. On one occasion when it came out that there were several

other charges hanging over the prisoner besides that on which he was being tried, he insisted that they should all be dealt with together, so that "his moral bankruptcy might be finally wound up on his discharge."

MR JUSTICE BARNES not only threatened but actually did turn the public out of his court for laughing at a nasty incident. This unique occurrence took place on 27th June 1904.

IN a dispute, before Lord Justice Mathew, as to what took place before a judge at chambers, counsel, who like his opponent was not present then, remarked : " Experience shows it is very unprofitable to refer to what took place there when neither counsel were present." " Often still more so," said his lordship, " when both were."

LORD JUSTICE MATHEW, sitting with two other learned judges not notorious for either their learning or sagacity, started his judgment in the case before them with these words : " In this case, my brother —— appears to have misdirected himself by attaching undue weight to an *obiter dictum* of my brother ——."

MR JUSTICE HENN COLLINS had a very pretty wit, and quiet withal. In a case before him an important witness was missing, and counsel, making a slip in his law of evidence, proposed to put in a written statement which the absentee had made.

Now, it is a well-known rule that in the absence of a *document* through loss or some other cause “secondary”—that is, verbal or other—evidence may be given of its contents. “So,” said the learned judge, “you’ve lost your witness, and want to give secondary evidence of *his contents*.”

IT is related of a witty judge that when he heard that one of his brethren whose decisions were frequently upset by the Court of Appeal had undergone an operation he remarked: “Poor fellow; *reversed again!*”

IT is related that on one occasion, when Sir Henry Hawkins was judge of assize, some of the Nottingham “lambs” assembled at the railway station to see the arrival of the terror of the criminal classes. To their astonishment he alighted leading a little dog by a string. “Gawd blime me!” exclaimed one of the spectators, “why, the old gentleman’s blind!”

A BARRISTER more fluent in his speech than careful in his metaphors was once guilty of the following peroration:—“Gentlemen, it will be for you to say whether this defendant shall be allowed to come into court with unblushing footsteps, with the cloak of hypocrisy in his mouth, and draw three bullocks out of my client’s pocket with impunity.”

TO a tedious member of the Bar who said that he would cite “only one more case and sit down,” Lord Justice Mathew promptly retorted: “That’s a bargain!”



WHEN told that a brother judge, since his second marriage, appeared to have taken a new lease of life, Lord Justice Mathew's short comment was: "Yes—a re-pairing lease."

MONTAGU WILLIAMS tells the following story:—Mr C., a popular leader of quarter sessions, had just taken silk, and appearing there for the last time was defending a prisoner against whom there was a clear case. "Gentlemen," said counsel to the jury, "I have been among you for a great many years," etc. After continuing in this strain for some time he added: "A change has now come over my life. Her Majesty has sent for me, to make me one of her own counsel, learned in the law. I shall never address you again. Let us part as we have always been—the best of friends." Soon the foreman remarked: "We find for Muster C."—a verdict ultimately amended to "Not Guilty."

WHEN the late Lord Iddesleigh, as Mr Stafford Northcote, left Oxford, he was appointed a magistrate for Devon. He attended at the castle of Exeter to be sworn in, and was handed a book which had been of what the late Mr Dickens called the "underdone pie-crust" colour. It was tied round with what had been, many years before, red tape. Mr Northcote did not quite like the look of it, so he took out his knife and cut the tape, and, on opening the book, discovered that, for about thirty years, the magistrates had been sworn on a *ready reckoner*.

**M**R JUSTICE CHANNELL said at Birmingham Assizes, in December 1904, that he had not been satisfied with a single verdict given by juries in the civil cases he had tried there.

**O**N its being discovered that a defendant in a case, who was asking that the plaintiff should be non-suited, had made a fatal admission in his own affidavit, Lord Justice Mathew made the famous remark: "The truth will leak out, *even in an affidavit.*"

**T**O a learned brother, who apologised for having made, in summing up a case to the jury, a general attack upon Roman Catholics, Lord Justice Mathew observed: "Yes; I saw that you agreed with Titus Oates."

**A** CURIOUS incident once happened at the Lewes Assizes. A prisoner was charged with an offence against a woman, and after the trial had proceeded some time it was discovered that *the woman's husband was on the jury.*

**A**N amusing story is told of Lord Kenyon trying an action for a penalty for shooting game without a licence. The case was clear, but said defendant's counsel to the jury: "Gentlemen, it is true they have sworn my client fired at the bird, that it fell dead, and that he bagged it. It is of no use to deny that. But how does it appear that the bird was killed by the shot? What proof is there that it did not *die of fright?*" And the jury thought there was none.

A JUDGE once summed up "dead" for the plaintiff, and plainly told the jury they could only find for him. They disagreed—eleven to one. The judge addressed that one, coaxed him, and tried to induce him to give in ; but he stood out, and they were discharged without a verdict. It then transpired that the obstinate one was the only one *for the plaintiff*.

RIGHTS of way are ticklish things at all times, especially after Mr Justice Mathew's comment on them. He was one day trying a case of this nature, wherein the plaintiff relied on his having put up a board with the inscription, "Private Road," as an important support to his case. Whereupon, that exceptionally strong judge broke in : "What's the good of that ! Whenever I see, 'Private Road' stuck up, I know it is a short and easy cut, and go down it. Why did you not build a wall across it ?"

A WELL-KNOWN County Court judge was joined in a third-class railway carriage by a stout farmer, who sat down in a seat on the off side of the carriage opposite to his Honour, and to the astonishment of the judge began to talk. "Can you tell me the way to the court—the County Court ?" The judge, in his astonishment, temporarily lost balance and said : "Oh yes ; I happen to be going there." "Do you know the judge ?" "Oh, very well indeed—few men better." "Wot kind of man is 'e ? 'Im as keeps the beer-shop sez he's a stuck-up hass, and the baker sez he's a bleedin' fool ; but

both on 'em sez as 'ow it's best to see 'im fust afore yer case comes on, 'cause it maikes a difference.' "

SIR JAMES STEPHEN tells the story of a witness who stated that his evidence was corroborated by that of his servant, who had lived with him thirty years. This pleased everyone, and the judge remarked it said much for both master and man, and that they must get on comfortably together. But the witness fidgeted and replied: "For the first ten years, my lord, there never was a better servant; in the second he became a confidential but too inquisitive friend, and since then he has been a not—quite—altogether—unbearable master."

A VENERABLE practitioner in a humble department of the law, who wanted to write a book, and was recommended to try his hand at a translation of Latin law maxims as a thing much wanted, was considerably puzzled with the maxim: *Catella realis non potest legari*; nor was he quite relieved when he turned up his Ainsworth and found that *catella* means "a little puppy." There was nothing for it, however, but obedience, so that he had to give currency to the remarkable principle of law that *a genuine little whelp cannot be left in legacy*. He also translated *messis sequitur sementem* with a fine simplicity into *the harvest follows the seedtime*; and *actor sequitur forum rei*, he made *the agent must be in court when the case is going on*.

THERE used to be a story current in Colonial Office circles that there were always three actual or potential judges nominally attached to the Gold Coast: there was one coming home in his coffin, another performing the duties of the office, and a third going out ready to relieve him.

ONCE when the Athanasian Creed was being recited at the Temple Church, a distinguished lawyer, noted for the leniency with which he administered criminal justice, was observed to sit down, while the rest of the congregation as usual remained standing. A lady inquired the reason after the service, and was told that it was because he *was protesting against the long sentences.*

A FIRM of solicitors had some difficulty in getting their costs from a co-respondent whom they had successfully represented. He objected to their bill on the grounds that the items were not set out with sufficient clearness, and that the charges were excessive, and he announced his intention of having the bill taxed. The first objection was promptly met by the solicitors, who inserted one item thus: "To attending you when you admitted so and so." Obviously this item, with the rest, would have to be submitted to the taxing master. But the bill was paid without going to taxation.

A GRAND JURYMEN once secured his discharge by frankly telling Judge McConnell that he wanted to go to the Derby; he hardly, however, displayed the ingenuity of a gentleman in a similar

plight, who excused himself on the ground that he had arranged to go to California, which as a matter of fact is a little place near Epsom, not to be found in the gazetteer.

WHEN NICHOLAS BALL, a well-known Irish counsel, was appointed to a judgeship in the Common Pleas, that division had so little work to do that it rarely sat above an hour or so ; as the new judge was said to be a late riser a witty Chief Justice remarked : “ It’s the very court for Ball ; it will be *up* before himself.”

JONATHAN HENN, Q.C., of the Munster Circuit, was not disposed to undertake severe work, as may be inferred from the following anecdote :—Mr John Macnamara Cantwell, a very eminent solicitor of Dublin, hearing of Mr Henn’s reputation on the Munster Circuit, sought his services in a heavy equity cause. He saw the leading counsel of Munster lounging about the hall, and, accosting him, held out the brief marked with a large fee. “ The case is important,” said Mr Cantwell, tendering him the fee ; “ and much is expected from you, Mr Henn.” “ Oh ! my dear sir,” said the Queen’s Counsel, quietly pushing back the hand with the banknotes ; “ you had better give the brief to some gentleman *who will attend to it.*”

IT is said that when George Bennett, a leader of the Munster Circuit, was offered to be made King’s Counsel by Lord Manners, Lord Chancellor



in 1822, he said : " I'd rather he gave a silk gown to my wife." However he eventually accepted the silk gown for himself.

A STORY is told of Sir Jonah Greene, a Recorder of Dublin, who in sentencing for the tenth time some hardened female criminal said : " There is no use in committing you to a prison in this country ; I shall transport you for seven years, and I hope in a new country you will endeavour, with the blessing of God, to regain the character you have tarnished by your career of vice in this." Having ceased his admonition, he was rather taken aback by the damsel's inquiry : "*Ah, thin, plase your lordship, whin do we sail ?*"

SIR THEOBALD BUTLER was a distinguished member of the Irish Bar. He was rather too fond of his bottle of wine, and once, when an important case in which he was leading counsel was set down for argument, the wary solicitor made a stipulation that Sir Theobald should not drink a glass of wine, or any spirits, until the case was over. Sir Theobald pledged his word, and during the progress of the case made one of his very best arguments, which carried the case triumphantly, to the solicitor's delight. " Now, Sir Theobald," he said ; " see the effects of refraining from *drinking*. If you had taken your usual dose of claret you could not have been so clear as you were to-day." " Now we have won," replied the toper, " I may as well confess that, feeling the necessity of some refresher, I got two

hot loaves, which I steeped in two bottles of claret, and *I ate them.*”

A STORY is told of a formerly well-known member of the Scotch Bar who, one day, presenting himself on horseback at a toll, found on searching his pockets that he had not a farthing in his possession with which to pay the toll demanded of him. He promised to pay when he came that way again, but the toll-keeper was deaf to all entreaties, saying he had often been bilked by persons pretending the same thing. The lawyer was indignant at this insinuation, and drawing himself up in the saddle exclaimed: “Look in my face, sir, and say if you think I am likely to cheat you.” The man looked at him steadily, and then answered, with a shake of his head: “*I’ll thank you for the twopence, sir.*” The lawyer had to turn back.

DURING a jury trial at Jedburgh, in which three famous advocates (Moncrieff, Jeffrey and Cockburn) were engaged as counsel, while the former was addressing the jury, Jeffrey passed a slip of paper to Cockburn with the following case for his opinion:—A legacy was lately left by an old lady to the *Peer* of Aberdeen. As the will was written by the old lady herself, and by no means distinguished for correctness of orthography, or expression, a dispute had arisen as to the intent of the testator, and the following claimants had appeared for the legacy.

First, the Earl of Aberdeen; second, the Commissioners for erecting the *Pier* at Aberdeen; and third, the Manager of the Charity Workhouse, who claimed on the ground that the old lady was in the habit of pronouncing “poor” *peer*. To which of the parties did the money belong? Cockburn immediately wrote in answer: “To none of the three, but to the Horticultural Society of Scotland, for promoting the culture of a sort of fruit called, or to be called, the “*Pear of Aberdeen*.”

THE judicial designation of Lord Fountainhall was adopted by him from a place then belonging to him in East Lothian. The original name of the place was Woodhead. When the able lawyer was raised to the Bench, and, as usual in Scotland, thought of a new appellative of a territorial kind—“Woodhead—Lord Woodhead,” thought he; “that will never do for a judge!” So the name of the place was changed to Fountainhall, and he became Lord Fountainhall accordingly.

A STRANGE accident one morning befell Lord Coalstoun, a well-known Scotch judge, while residing in his house in Edinburgh. It was at that time the custom for advocates, and no less for judges, to dress themselves in gown, wig and cravat at their own houses, and to walk in a sort of state, thus rigged out, with their cocked hats in their hands, to the Parliament House. They usually breakfasted early, and when dressed would occasion-

ally lean over their parlour windows, for a few minutes before St Giles' bell sounded the starting peal of a quarter to nine, enjoying the morning air and discussing the convivialities of the previous evening with a neighbouring advocate on the opposite side of the alley. It so happened that, one morning, while Lord Coalstoun was preparing to enjoy his matutinal treat, two girls who lived on the second floor above were amusing themselves with a kitten, which they had swung over a window by a cord tied round its middle, and hoisted for some time up and down, till the creature was getting rather desperate with its exertions. In this crisis his lordship popped his head out of the window, directly below that from which the kitten swung, little suspecting what a danger impended, like the sword of Damocles, over his head ; suddenly down came the exasperated animal at full speed upon his senatorial wig. No sooner did the girls perceive what sort of a landing-place their kitten had found than in terror and surprise they began to draw it up ; but it was now too late, for, along with the kitten, up also came the judge's wig fixed full in its talons. His lordship's surprise on finding his wig lifted off his head was much increased when, on looking up, he saw it dangling its way upwards, without any visible means by which its motions might be accounted for. The astonishment, the dread, the *awe* of the judge below—the half mirth, half terror of the girls above, together with the fierce and relentless energy of retention on the part of puss, between, formed a scene to which it is

impossible to do justice. Explanations ensued, and the merry but frightened maidens were forgiven.

A JUDGE and a barrister were discussing the doctrine of the transmigration of the souls of men into animals. "Now," said the judge, "suppose you and I were turned into a horse and an ass, which would you prefer to be?" "The ass, to be sure," replied the lawyer. "Why?" queried the judge. "Because," was the reply, "I have heard of an ass being a judge; but of a horse, never."

MR JUSTICE DARLING, in the course of an argument as to whether he should exercise his "discretion" and deprive a successful plaintiff of his costs, mentioned that Lord Chief Justice Coleridge, adopting that course on one occasion, had his decision reversed by the Court of Appeal. He afterwards invariably declined to exercise a discretion which he asserted had been taken from him.

IN an action brought by two little boys, claiming damages for an alleged libel by their schoolmaster, Mr Justice Darling asked what sort of school it was from which they had been expelled. "A Secondary School, my lord," replied Mr J. B. Matthews. "Oh," retorted the Judge, "where education *is the secondary object*."

IT has been computed that, during his fourteen years on the Bench, Mr Justice Day sentenced one hundred and thirty-seven hardened criminals to

three thousand seven hundred and sixty-six strokes of the "cat," an average of over twenty-seven each.

A JUNIOR counsel, in quoting from a report of the Queen's Bench Division before the Court of Appeal, referred to the volume as "Q.B.D.," bringing down upon himself the retort from Lord Esher: "*You* be d——. Give the book its proper name!"

MR JUSTICE DAY was once trying a case when a prolix barrister wound up a wearying and uninteresting speech about some bags in the following words: "They might, me lud, have been full bags, or half-full bags, or again they might have been empty bags." "Quite so; quite so," assented the judge, adding in his peculiarly dry manner: "Or they might have been *wind bags*."

LORD FITZGERALD, Lord of Appeal, was once approached by a celebrated Jewish Q.C., who complained that his distinguished claims to a judgeship had been overlooked by his co-religionist on the Woolsack, Lord Herschell. After listening to his friend's tale of woe, Lord Fitzgerald comforted him by saying: "My dear fellow, what could you expect from a Jew but *the pass-over*."

MR JUSTICE DARLING, in his charge to the Grand Jury at the Norfolk and Norwich Assizes, held in October 1912 at Norwich, said: "I have never before held assizes in this ancient city, although I am almost the senior judge of the King's Bench. The city is to be congratulated



upon the lightness of the calendar, particularly in view of the fact—which is one of the reasons I have never been here before—that I understand that the last assizes in this city were held some weeks *before the Flood*.”<sup>1</sup>

JUDGE PARRY, in his delightful book, entitled “What the Judge saw,” tells an excellent story of Mr Justice Mathew. He writes: “I remember on one occasion an unfortunate sheriff had spelt and printed and published Mathew’s name with two “*t*’s.” The judge sent for him and received him in the drawing-room of his lodgings in grave state. He explained to the high sheriff, who stood quaking before him in yeomanry uniform, that the offence he had committed might well be regarded, not as petty treason, but as high treason, being in effect an insult through him, as Judge of Assize, to her Majesty herself. He sent for Mr Justice Butt, and solemnly discussed with him whether he was not in duty bound to fine the unlucky sheriff five hundred pounds. Butt, who was never more delighted than when he could play his part in a jest, for some time seriously agreed with Mathew, and the two discussed whether imprisonment was necessary as well. Then Butt began to think the fun had gone on long enough, and took the sheriff’s side, and begged his forgiveness. But Mathew, who was really vexed at slovenliness of this kind, dismissed the sheriff, and adjourned his decision until the morning, “for,” said he, in Crom-

<sup>1</sup> Floods in Norwich, August 1912.

wellian phrase and intention, "the fellow must be taught his place."

MR JUSTICE DARLING having passed sentence on a man convicted of burglary, the prisoner protested that he had not had justice. "I didn't expect you would agree with me," said Darling quietly.

SIR FRANK LOCKWOOD one day met a man in the Temple who said to him: "I'm afraid we are not going to last long; there will be a Dissolution shortly. "Why?" asked Lockwood. "Because," replied his friend, "I was walking down Middle Temple Lane, and passing the door of the Solicitor-General I noticed that his name, which has been painted afresh, has only been done in *one coat of paint*." Lockwood, however, pointed out to his friend that the Solicitor-General came of a prudent race, and therefore no importance need be attached to an otherwise significant fact.

SCARLETT, in a breach of promise case, was for the defendant, who was supposed to have been cajoled into the engagement by the plaintiff's mother, afterwards the Countess of Harrington. The mother as a witness completely baffled Scarlett, who on behalf of the defendant cross-examined her; but by one of his happiest strokes of advocacy he turned his failure into a success by saying: "You saw, Gentlemen of the Jury, that I was but a child in her hands. *What must my client have been?*"

IT is not expedient as a rule for counsel to attempt to raise a laugh against a witness of the fair sex, as one of our K.C.'s discovered to his cost. A woman brought an action against a well-known firm of solicitors, claiming damages for negligence. She conducted her own case very ably in person, having arrayed against her some of the leaders of the Bar. Having stated her case in the witness box, Mr McCall, K.C., rose to cross-examine her, and, amid much laughter, led off with the following question (hardly perhaps admissible, as being one of opinion): "Tell me, madam, do you expect to win this case?" To which she promptly replied: "No—but I *hope* to." And she did!

MR JUSTICE DARLING, sitting in the King's Bench Division on 21st December 1912, was asked on behalf of an insurance company to grant an injunction against an insurance canvasser restraining him for a year, from 21st December 1911 to 22nd December 1912, from canvassing for another company. The injunction having been granted, the judge, in reply to a question, said the defendant could start work after the following day:—"You have not lost much in not being able to begin to-day," added his lordship, "because this is the shortest day."

It is not often that Mr Justice Darling is found tripping, but the actual shortest day in 1912 was 22nd December.

WOMEN, with that dramatic instinct which is one of their special attributes, rarely omit when appearing in the witness box to attire themselves as attractively as possible, in order to find favour in the eyes of a sometimes too susceptible jury. One such woman—a litigant in this instance—in a case heard before Mr Justice Darling, which lasted three days, started a “far-off” but undoubted flirtation with a young and good-looking jurymen. Each morning on entering into court she gave him a coquettish little wink, and at last the time arrived when the verdict had to be given, in a case which appeared hopeless as far as she was concerned. The jury were out three hours, and at the end of that period returned into court announcing their disagreement, and further informing the Court they were eleven to one. It was not difficult to identify the obstinate juror, for he was regarded with black looks by the indignant eleven. But it was still easier to identify him when, after the case was over, he was to be seen in a restaurant near the Law Courts, sipping a glass of wine in company with the fair litigant whose cause he had so gallantly, but it is to be feared unjustly, espoused!

LORD JUSTICE BOWEN, on one occasion, at a time when there was a great controversy as to the value of examinations as an educational method, told a good story of a complaint of Lord Chief Justice Cockburn that an aged charwoman, whose duty it was to light the fires in the judges’ rooms, had been

carried off by the Treasury in her declining years *to undergo a Civil Service examination !*

BOWEN observed of one of his colleagues, whose temperament showed some lack of masculine robustness : “ I do not know whether to speak of him as my learned brother or my learned sister.”

MR JUSTICE STEPHEN would never allow any improper exhibitions of feeling on the part of the audience in court. When a spectator once laughed at a piece of evidence which ought to have caused disgust, he ordered the man to be placed by the side of the prisoner in the dock, and kept him there till the end of the trial.

IN a charge to the Grand Jury at Newcastle Assizes Mr Baron Platt once took occasion to comment on the conduct of the High Sheriff, Sir Horace St Paul, for escorting the judges in a plain clarence carriage, instead of with the customary procession of javelin-men, outriders and trumpeters. “ I cannot leave you,” he said, “ without expressing my regret that, in this great country, and in this great county of Northumberland, the gentry are so reduced as not to show the ordinary respect and loyalty to the Crown. It is not merely as judges that we come here : we are ministers under the Royal Commission. We have the honour to attend before you under the commission or sign-manual of her Majesty ; and in this county, where any disloyalty

or any disregard to the administration of justice is considered a slur, I do regret that the ordinary and usual garniture by which that loyalty is displayed should not have been exhibited on the present occasion." The High Sheriff, rising in considerable perturbation, said: "I have been directly charged with disloyalty; I publicly declare that the accusation is unjust and unfounded. I am as loyal a subject as there is in any county in the kingdom." To which the Judge replied: "I must certainly say that, as a gentleman of ample means, loyalty to the Crown and respect for her Majesty's Commission has not been exhibited."

ONE of the judges of the King's Bench, in an argument on the construction of a will, sagely declared: "It appears to me that the testator meant to keep a *life-interest* in the estate to himself." "Very true, my lord," said Curran gravely; "but in this case I rather think your lordship *takes the will for the deed*."

MR JUSTICE DAY had the reputation of being a very severe judge, and by his severity broke up a set of criminals, at Liverpool, known as the "High Rip Gang." Once he ordered several members of this gang to be flogged, but the prison doctor found they were physically unfit to undergo the punishment, the result being that they only had to serve comparatively short terms of imprisonment. Next time the judge went to Liverpool he postponed sentence until the members of the gang who had been



brought before him had been examined, thus securing that they should have either a flogging or a long sentence, and those who were not declared unfit he awarded the "cat."

LORD JUSTICE BOWEN made the following request, to Mr Justice Mathew, for a lift in his carriage to the Lord Chancellor's breakfast in 1883 :

*" Colwood, Hayward Heath, Sussex.*

MY DEAR J.C.

Will you be free

To carry me

Beside of thee

In your Buggee,

To Selborne's Tea ?

If breakfast he

Intends for we

On 2 November next D.V.

Eighteen Hundred Eighty-three

A.D.

For Lady B.

From Cornwall G.

Will absent Be,

And says that she

Would rather see

Her husband b——

D dash, dash D

Than send to London her Buggee

For such a melancholy spree

As Selborne's Toast and Selborne's Tea.

A SCENE occurred on one occasion in the Court of Exchequer between Sir Frederick Thesiger on the one side, and Chief Baron Pollock, with his son-in-law, Mr Martin, Q.C., on the other. After some altercation between the counsel as to the relevancy of certain questions put to a witness, Sir Frederick said : “ My lord, I cannot but feel that my learned friend is allowed a discretion in this case, and in this court generally, which would not be extended to myself, or other counsel, in this or any other court.” Mr Martin threatened to give up practising in the court, but was persuaded by the Attorney-General next morning to continue. The Lord Chief Baron then made an explanation to show that his words had been misapprehended by both parties.

A SCENE of another description took place at the Newcastle Assizes between Mr Justice Wightman and the county justices, who refused to permit his lordship to pass through the room to consult with Mr Justice Cresswell while they were sitting transacting business. After a sharp altercation, the High Sheriff led Mr Justice Wightman through the room.

MR JUSTICE STEPHEN was very impressive when passing sentence on a prisoner convicted of a serious crime. A man was convicted before him at Manchester of an attempt to murder his wife. He had stabbed her several times in the neck, but happened to miss a fatal spot, and he cross-examined

her very brutally on the trial. Stephen in delivering sentence told him that a man who had done the same thing, but with better aim, "stood at the last assizes where you now stand, before the judge who is now sentencing you. The sentence upon him was that he should be hanged by the neck until he was dead, and he *was* hanged by the neck until he was dead." He then sentenced the prisoner to penal servitude for life.

THOUGH severe, Mr Justice Stephen was eminently fair. On one occasion a man accused of stabbing a policeman to avoid arrest pleaded guilty, and was sentenced to seven years' penal servitude. On being removed by the warders he clung to the rail of the dock screaming: "You can't do it. You don't know what you are doing!" The judge shouted to the warders to put him back, discovered by patient hearing that the man was meaning to refer to some circumstances in extenuation, and after calling the witnesses found that the statement was confirmed. "Now, you silly fellow," said Stephen, "if you had pleaded *not guilty*, as I told you, all this would have come out." He then reduced the sentence to nine months', saying: "Does that satisfy you?" "Thank you, my lord," replied the man; "that's quite right."

SIR FORREST FULTON, Recorder of London, once had before him at the Old Bailey a prisoner who had pleaded guilty to a charge of robbery with violence on a lady. The prisoner made a

whining appeal to the prosecutrix to intercede for him. The recorder turned to her, and asked her what sentence she thought would be a fair one. "Three months, my lord," she replied. And three months was accordingly his sentence.



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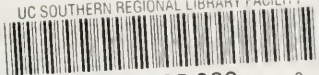
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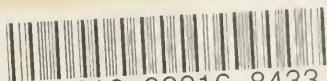
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